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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT, IN PARTICULAR: TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Report of the Special Rapporteur, Sir Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 2001/62

Addendum

Summary of cases transmitted to Governments and replies received*

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* In view of its length, the present document is being issued in the original languages only, the Conference Services Division of the United Nations Office at Geneva having insufficient capacity to translate documents that greatly exceed the 32-page limit recommended by the General Assembly (see Commission resolution 1993/94, para. 1).

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Albania

1. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

2. **A 17-year-old from Devolli** was reportedly arrested on 29 April 1999 after having brought a man to a hospital in Korça. Shortly afterwards the police reportedly arrested him and accused him of having shot the man and of armed robbery. He was said to have been hung upside down and to have had his head submerged in a bucket of water. He was also reportedly punched in the stomach.

3. **A 15-year-old boy** detained in Vlora police station on the night of 27 March 2000 on suspicion of having stolen a fax machine was reportedly beaten while in police custody. According to the information received, he was placed on a chair lying on the floor, and a police investigator reportedly beat the soles of his feet with a baton for about 30 minutes. On the following morning, the minor was reportedly beaten again.

4. **An 11-year-old orphan** was reportedly arrested by an officer of the Crime Police on 26 June 2000 in Saranda, detained for about 20 hours in Saranda police station where he was reportedly beaten with a rubber truncheon, cut with a knife on his right arm and burnt with cigarettes by a police officer. After an investigation, the People's Advocate is said to have recommended the dismissal of the responsible police officer and to have requested the Prosecutor General to reopen the investigation of this case, however no action has reportedly been taken.

5. **A 14-year-old boy** who took part in an alleged peaceful demonstration in Tirana on 11 November 2000 was reportedly pushed to the ground, beaten and kicked by two men in plain clothes. He was allegedly taken to Police Station No. 2, where he is believed to have been interrogated about the alleged throwing of stones and repeatedly slapped. Upon transfer to Police Station No. 1, he was allegedly punched and kicked, and beaten with rubber truncheons by three police officers.

6. **A 16-year-old boy** was reportedly arrested on 11 November 2000 and taken to Police Station No. 1, where he is believed to have been beaten. As a result, he allegedly sustained injuries on his ribs and one of his hands. He was reportedly released 24 hours later.

7. **A 16-year-old boy** was reportedly arrested after he allegedly participated in a demonstration in Tirana on 20 November 2000. Two or three plainclothes police officers reportedly hit him with rubber truncheons and transferred him to Police Station No. 3 in a police van, where he spent 20 hours. He was allegedly beaten at the station and in the van. As a result of the beatings, he reportedly suffered from pain in his neck.

8. **Ismet Margjeka**, a journalist, and his brother, **Astrit Margjeka**, were reportedly stopped and searched near the Parliament in central Tirana on 28 November 2000, by masked police officers who reportedly punched and beat them in the face and on the body with rubber truncheons, including in the police van and at Tirana Police Station No. 1. They were reportedly

held in a cell with two other men, who were allegedly also beaten. Astrit Margjeka reportedly became feverish and lost consciousness. Ismet Margjeka is said to have tried to file a complaint with Tirana District Court, but informed that his complaint would not be accepted unless he named the police officers involved.

9. **Besnik Sali Papa**, a Democratic Party supporter living in Tirana, was reportedly arrested on the evening of 29 November 2000 by two armed plainclothes officers. He was reportedly taken to Police Station No. 1, where he was reportedly beaten with rifle butts and kicked, had a loaded gun placed into his mouth and was hit with it, as a result of which he allegedly had several teeth broken, lost consciousness and suffered from perisplenic haematoma and lumbar bruising. Since his release the following day, he has reportedly received four visits by police officers.

10. **Azgan Haklaj**, President of the local Tropoja branch of the Democratic Party, was reportedly arrested at home on the night of 20/21 January 2001 by about 30 masked judicial police officers, who allegedly kicked and beat him with rifle butts during transfer in a van to Tirana. His wife and one-year-old child were reportedly also injured. On 22 January 2001, Azgan Haklaj reportedly lodged a complaint, and he was medically examined at Tirana Prison 313, which revealed that he had sustained a wound to the head, bruises and abrasions to the whole body. On 21 February 2001, Azgan Haklaj was formally questioned. However, no other investigation work was allegedly undertaken.

11. **Çlirim Proko** was reportedly arrested on 16 March 2001 by several police officers from Gjirokastra police station, who allegedly drove him to the hills outside the village of Antigone where they ill-treated him. A doctor who examined him on 25 March reportedly recorded bruises. A complaint has reportedly been filed with the Gjirokastra Prosecutor's Office.

12. **Flamur Hasbegu**, a cameraman for ATN1, a private television company, was reportedly dragged by the wrist into a police station in Berat on 1 June 2001 by the chief of the criminal police, punched on the nose and shouted at when he was filming outside the station. Inside the building, he was reportedly punched, kicked and slapped in the presence of the chief of the police station. As a result, he is said to have sustained injuries to the face and right arm.

13. **Pëllumb Çuni**, a correspondent for the newspaper 55, is reported to have been kicked and punched on 15 February 2000 by a police officer in the immediate vicinity of the Korça district police station and left lying on the pavement. His newspaper had allegedly recently published an article alleging corruption on the part of the police officer allegedly responsible for the attack.

14. **Rushit Korteshi**, a Roma living in Yzberisht on the outskirts of Tirana, was reportedly detained by two police officers and taken to a police station in the Kombinat quarter of Tirana on 8 August 1999, where they and the chief of the crime police for the area allegedly beat him with a metal bar until he lost consciousness, demanding money and land. A Court of Appeal judgement of 7 July 2000, sentencing the three officers to two years' suspension from their work and 18 months' conditional imprisonment is said not to have been enforced by the Minister of Public Order. Rushit Korteshi reportedly continues to be pressurized by the officers involved.

15. **Ferit Beqir Çepi**, **Veli Mona** and **Ilir Mona**, were reportedly arrested at their work on 12 November 2000 by a drunken police officer and driven to Vlora police station, where they are believed to have been beaten and hung upside down for two hours. As a result of the ill-treatment, Ferit Çepi reportedly lost the sight of his left eye, and Veli and Ilir Mona reportedly suffered fractured ribs and cuts to their faces. Penal proceedings were reportedly initiated against a police officer.

16. **Nasser Almalak**, a Jordanian citizen, and **Amanta Bakalli**, secretary of the Shqata Gay Albania (Gay Albania Society), were reportedly kicked and punched by four members of the Republican Guard in Tirana on 7 April 2001. When, on the same day, they went to the headquarters of the Republican Guard to complain about this physical assault, they were allegedly subjected to sexual taunts and threats.

17. **Gazmend Noga**, a police lieutenant, was reportedly struck on the head several times with a large radio handset by a colonel on 14 October 1998. As a result, he reportedly suffered "first grade damage to the central brain", a fractured lower jaw and partial paralysis of the lower lip. After lodging a complaint, he was reportedly dismissed. On 7 April 1999, Gazmend Noga received the formal notification of the decision to dismiss the case on the grounds that the accused had not committed the crime.

18. **Ilir Stërgu** was reportedly arrested on the night of 10 October 1999, when police forces from Elbasan, Fier and Lushnja allegedly rounded up some 20 to 30 men, 10 of whom were remanded in custody and severely beaten by masked police in Lushnja and Elbasan. On 18 October he was allegedly sent to Tirana Prison 313 hospital, unable to stand.

19. **Dritan Shehu** reportedly filed a complaint with Elbasan District Prosecutor's Office in November 1999, stating that he had been beaten at a police checkpoint in Elbasan. A forensic medical report allegedly confirmed that he had a bruised right eye, injuries to the back of his head, causing persistent pain, including back pain. On 16 March 2000, the complaint was reportedly forwarded to Tirana Prosecutor's Office, which stated that the case was still being investigated in March 2001.

20. **Gentian Bici** was reportedly arrested on 7 February 2000, after a person complained to the police that he had been tampering with a cable. At Elbasan police station, a police inspector and two plainclothes officers reportedly beat Gentian Bici, leading him to lose consciousness. He was subsequently admitted into intensive care at the hospital. The police inspector was reportedly brought to trial before Elbasan District Court on 2 February 2001, on charges of torture, but found guilty of "perpetrating arbitrary acts" and sentenced to a fine of 150,000 leks.

21. **Shpëtim Hasa** was reportedly beaten by police officers on 15 May 2000 in Elbasan at his place of work, with rubber truncheons on his head, chest and back, as a result of which he lost consciousness. The officers reportedly drove him to a hospital and later released him, without filing a report. Shpëtim Hasa subsequently filed a complaint with the Tirana District Prosecutor's Office, after which he allegedly received threatening visits from officers. The case has allegedly been sent to Tirana District Court for trial.

22. **Naim Pulahu** and four other men, including his two brothers, were reportedly arrested and detained on 11 September 2000 in Elbasan police station, where the three brothers were beaten by five masked police officers. Later that day Naim Pulahu had to undergo surgery. Following this incident the deputy Minister of Public Order reportedly ordered the suspension of the police officers involved, and a colonel had received a written reprimand. Three officers from Elbasan Police are reported to have been indicted.

23. **A. Curri**, a section chief of the Rapid Intervention Forces (special police forces) stationed in Elbasan, and the driver of the car were reportedly stopped, assaulted and slapped by a police colonel on the road linking Elbasan and Tirana on 6 June 2000. The Minister of Public Order allegedly sent a team to investigate.

24. **Irakli Koçollari**, a former director of the Albanian intelligence service, was reportedly driving back from Korça to Tirana at the end of February 2000 when he was stopped by a police colonel and subsequently kicked and punched in the eye.

25. By letter dated 30 September sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual case.

26. **Kastriot Bega** was reported to have been detained by police on 5 January 1999 and to have died some three hours later after having been brought to hospital from the police station in Vishaj village, Peqin. An agent of the judicial police and an officer were allegedly charged with "perpetrating arbitrary acts" against Kastriot Bega. The charges were allegedly dropped after it was found that the young man's death had been due to natural causes. The case was reportedly retried by the District Court of Elbasan in March 2001.

Follow-up to previously transmitted communications

27. By letters dated 22 December 2000, the Government responded to cases transmitted by the Special Rapporteur on 5 October and 9 November 2000.

28. Concerning Tonin Kolthi (see E/CN.4/2001/66, para. 19), the Government indicated that there was no denunciation of ill-treatment by police forces submitted by him in the registers of the Prosecution Office of Kurbin. Following a March 2000 complaint by the leader of the Democratic Party, an investigation was carried out. During an interview at the Leszha hospital, Tonin Kolthi declared that he had been ill-treated on his way back to Tirana, but that he would refuse to cooperate with the police in the clarification of the issue. It was concluded that there had been no incident between the police and him, and that he had not been ill-treated. The Government further denied that he had been detained by the police of Kurbin.

29. Concerning the case of ill-treatment against a member of the Socialist Party during the election process on 26 May 1996 (E/CN.4/1999/61), the Government indicated that the Prosecutor's Office of the Tirana District Court had failed to initiate a penal procedure in relation to the denunciations of violence. The Office admitted that violence had been used against the main leaders and some supporters of the Socialist Party and others, inter alia, against

Namik Dokle (ibid., para. 28), based on the testimony received and the medical reports of the emergency surgery service dated 25 May 1996, but held that the use of force was warranted to disperse the demonstrators as they did not have permission to demonstrate. Cases of disproportionate use of violence were closed owing to lack of evidence or the application of an amnesty decree of March 1997. The Government further indicated that the officers from the Ministry of the Interior, the National Intelligence Service and directors of the Police Directorate responsible for having ordered the use of force were currently either abroad or had been dismissed from the police force. Allegations of ill-treatment against Xhemali Hysi (Sarande) (ibid., para. 14), Hamit Arshia (ibid., para. 15), Krenar Cakerri (ibid., para. 26), Ilirjan Kuci (ibid., para. 26) and Tartar Ademi (Vlore) (ibid., para. 26), Enver Jaho (ibid., para. 16), Maksim Parangoti (ibid., para. 22), Edi Spahiu, Flamur Milova (Berat) (ibid., para. 25) and Erion Braçe (ibid., para. 24), which had been illustrated by the media, were impossible to verify through official sources as the archives of the police, the Prosecutor's Office and the courts of Saranda, Vlora and Berat had been looted in 1997. The Government indicated that all the district police directors where these attacks had occurred had now left the police. Therefore, no penal procedure had been initiated.

30. Concerning Bardhok Lala (ibid., para. 31), the Government indicated that even though he had lodged a complaint and it had been concluded by way of evidence and photographs that he had been kidnapped and physically abused by Intelligence Service (SHIK) employees, the penal procedure which had been initiated had been suspended in 1996. The file was forwarded to the police for further administration. No administrative or disciplinary measures were taken. The Government further indicated that the officers responsible had, however, left the SHIK.

31. Concerning Prohop Gjika (ibid., para. 29), Arben Imami, Servet Pellumbi, Namik Dokle, Ndre Legisi, Pandeli Majko, Moikom Zeqo, Musa Ulqini, Luan Hajdaraga, Neritan Ceka, Blendi Gonxhe, Gramoz Pasko, Skender Gjinushi, Gaqo Apostoli, Hazis Ferhati, Ilmi Haabibasi, Shpetim Maloku, Faik Cukarrizi, Andrea Jano, Gezim Karanxha, Orhan Hoxha, Sokol Lulja, Genc Beqiraj and Victor Cuko, Shpresa Sula, Arta Dade, Ermelinda Meksi, Anial Imami, Delina Fico, Sonila Qirjako, Ilva Haxhiu and Ftabardha Isufi (ibid., para. 28), the Government responded that despite denouncements and evidence submitted by the Socialist Party to the Attorney's office, penal procedures were dragged on until the legal deadlines had expired. Afterwards the case was closed on grounds of lack of evidence or pursuant to an amnesty law. The Socialist Party informed the President of the Republic and the Minister of the Interior, who did not respond and simply archived the information. Apart from the continuous complaints and denouncements of illegal acts, so far no person responsible has been penalized, thanks to the Amnesty Law 1997 decreed by the President of the Republic of that time, and no victim of these acts has ever been indemnified.

Algeria

32. Par une lettre datée du 19 août 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements sur les cas individuels suivants.

33. **Reda Benameur** aurait été arrêté le 25 octobre 1999. Il aurait été torturé par des membres des services de la sécurité militaire à plusieurs reprises durant sa détention au secret pendant 13 mois à la caserne ANTAR, à Alger, où seraient détenues les personnes soupçonnées

d'activités subversives. Il aurait été frappé avec des bâtons et des barres de fer et aurait été soumis à des simulations d'exécution dans le but de le faire témoigner contre une tierce personne. Il aurait subi des chocs électriques sur les parties génitales et aurait été soumis à la technique dite "du chiffon", qui consisterait à appliquer un chiffon imbibé d'eau sale sur la bouche de la victime dans le but de l'asphyxier. Il aurait finalement été incarcéré à la prison militaire de Blida le 15 novembre 2000.

34. **Khaled Matari** aurait été arrêté le 24 octobre 1999 à Bouraba, Alger. Il aurait été détenu au secret à la caserne ANTAR à Alger pendant 13 mois. Il aurait finalement été incarcéré à la prison militaire de Blida le 15 novembre 2000. Il aurait été frappé avec des bâtons et des barres de fer et aurait été soumis à des simulations d'exécution dans le but de le faire témoigner contre une tierce personne. Il aurait subi des chocs électriques sur les parties génitales et aurait été soumis à la technique dite "du chiffon".

Appels urgents

35. Le 20 février 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Said Zaoui**, un ancien membre du Front islamique du salut âgé de 70 ans, qui aurait été arrêté le 7 février à Dellys, en compagnie d'une vingtaine d'autres personnes soupçonnées d'avoir participé à une attaque contre une unité militaire basée dans la région. Tous, sauf Said Zaoui, auraient été relâchés dans les jours qui suivirent et auraient indiqué avoir été battus lors d'interrogatoires. Certains auraient été soumis à des chocs électriques tandis que d'autres auraient été soumis à la technique dite "du chiffon".

36. Le 22 février 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Milk El Hadj**, âgé de 78 ans, qui aurait été arrêté par les services de la sécurité militaire le 23 avril 2000 à son domicile à Alger et qui était détenu au centre dit "ANTAR" de la sécurité militaire à Alger Ben-Aknoum. Il aurait été torturé durant sa détention et n'aurait à aucun moment reçu des soins médicaux. Malgré son âge avancé, il serait obligé de dormir à même le sol dans un cachot d'environ deux mètres carrés mal aéré. Le Rapporteur spécial est aussi intervenu en faveur d'**Ali Benhadj**, Vice-Président du Front islamique du salut, qui aurait été arrêté le 29 juin 1991, et dont l'état de santé ne cesserait de se dégrader. Il souffrirait de graves troubles gastriques entraînant des douleurs aiguës suite à ses grèves de la faim. Les autorités pénitentiaires et militaires refuseraient de lui faire passer des examens médicaux, en particulier endoscopiques. À partir du 1^er^ février 2001, il aurait été détenu au secret pendant quatre mois et six jours dans un cachot exigu dans une caserne militaire du sud du pays. Il serait actuellement détenu à la prison militaire de Blida où sa famille pourrait lui rendre visite une fois par mois.

37. Le 26 octobre 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Nacer Hamani** qui aurait été déporté de France le 16 octobre 2001. Il aurait été arrêté à la descente de son avion à l'aéroport d'Alger, sans même passer par le contrôle d'immigration. Lorsque son avocat aurait contacté les autorités de l'aéroport, on lui aurait répondu que personne du nom de Nacer Hamani ne serait arrivé ce jour-là en provenance de France. Le 19 octobre, Nacer Hamani aurait informé sa famille qu'il était détenu au poste de police central d'Alger. Son avocat se serait rendu au poste de police et on lui aurait indiqué que son client avait été présenté au procureur et mis en détention préventive. Plus tard, le bureau du procureur aurait néanmoins démenti cette information.

Suite donnée aux plaintes signalées dans des communications précédentes

38. Par une lettre datée du 12 mars 2001, le Gouvernement a fourni des renseignements supplémentaires concernant des cas individuels envoyés par le Rapporteur spécial en octobre 2000 (voir E/CN.4/2001/66), et auxquels il avait déjà répondu.

39. Concernant Nassima Fodhali (ibid., par. 22), le Gouvernement a indiqué que suite à une requête d'Amnesty International relative à des allégations de mauvais traitements, elle avait été entendue par le tribunal de Blida. Il avait été décidé de mener une enquête aux fins d'établissement des faits. Concernant Mohamed Zouaghi, Hacène Dimane et Abdelwahab Feroui, le Gouvernement a indiqué que bien que les intéressés n'aient pas porté plainte pour mauvais traitements, le Procureur général près la Cour d'Alger avait diligenté une enquête en vue de l'établissement des faits suite à la requête du Rapporteur spécial.

40. Concernant Malek Madjnoun (ibid., par. 25), le Gouvernement a indiqué qu'il avait été incarcéré sur ordre du juge d'instruction près la Cour de Tizi-Ouzou le 2 mai 2000, sous les chefs d'inculpation d'appartenance à un groupe terroriste et de participation à des homicides volontaires avec préméditation.

41. Concernant Farid Madani (ibid., par. 26), le Gouvernement a indiqué qu'un arrêt de non-lieu avait été prononcé le 16 mai 2000 par le juge d'instruction près le Tribunal d'El Harrach au profit de l'intéressé qui comparassait pour crime de constitution d'un groupe terroriste.

42. Concernant Yahia Khaled (ibid., par. 27), le Gouvernement a indiqué qu'une enquête judiciaire avait été ouverte le 5 février 2000 par la cour de Dellys suite à ses allégations.

43. Concernant Ali Laachab (ibid., par. 28), le Gouvernement a indiqué qu'une peine de huit ans de prison ferme avait été prononcée à son encontre par le tribunal d'Hussein Dey, pour détention et commerce de drogue. L'intéressé a fait appel.

44. Concernant Mokrane Saadoune (ibid., par. 29), le Gouvernement a indiqué qu'il avait été condamné en 1996 à trois ans de prison ferme par la cour de Tizi-Ouzou pour appartenance à un groupe terroriste. Lors de sa libération, il avait rejoint ce groupe, ce qu'il a reconnu lors de son arrestation, le 12 juin 2000. Inculpé des chefs d'accusation d'appartenance à un groupe de terroristes armés et de soutien à un réseau terroriste, il a été placé en détention préventive. Concernant les allégations de torture, aucune plainte n'a été enregistrée au niveau de la juridiction compétente en la matière.

45. Concernant Redouane Dahmani (ibid., par. 30), le Gouvernement a indiqué qu'il avait comparu devant le parquet de Dellys, le 28 juin 2000, pour répondre des chefs d'accusation d'appartenance à un groupe terroriste et de tentative de vol qualifié. Il avait été placé en détention préventive.

Angola

Suite donnée aux plaintes signalées dans des communications précédentes

46. Par une lettre datée du 14 août 2001, le Gouvernement a répondu aux cas individuels envoyés par le Rapporteur spécial en octobre 2000 (voir E/CN.4/2001/66, par. 40 à 47).

47. Concernant Namibien Thaddeus Mubili, le Gouvernement a indiqué que l'Angola n'avait pas juridiction sur ce cas puisque les faits se sont déroulés sur le territoire namibien. Il a en outre précisé que les forces militaires angolaises n'étaient jamais intervenues militairement sur le territoire namibien. Le Gouvernement fait aussi référence aux interventions des groupes armés rebelles de l'UNITA sur la frontière.

48. Concernant Crisovão Lwemba, le Gouvernement a indiqué qu'il devrait recourir aux organes judiciaires au moment voulu, si de tels mauvais traitements avaient réellement eu lieu. Le Gouvernement a aussi précisé que les organes judiciaires fonctionnent pleinement.

49. Concernant Gilberto Neto, le Gouvernement a indiqué qu'une enquête avait eu lieu et qu'elle avait été close. La détention de ce dernier avait eu lieu en conformité avec la loi. Le Gouvernement a informé qu'il avait été libéré. Finalement, le Gouvernement a indiqué que la police nationale n'avait jamais eu l'intention de fermer la radio Eclésia, et a réitéré que tout journaliste devait respecter les lois en vigueur.

50. Concernant José Manuel Alberto, le Gouvernement a indiqué qu'il avait fait l'objet d'un acte d'agression de la part d'un citoyen, ce qui constituait un crime de lésions corporelles au regard de la loi angolaise. Le Gouvernement a souligné qu'il ne pouvait être tenu responsable pour les actes commis par un citoyen irresponsable et criminel. La personne lésée devrait recourir aux organes judiciaires compétents.

51. Concernant les cas de Josefa Lamberga, de Machado e Irmão et de la détention d'une équipe de la Televisão Pública de Angola et de celle de la Rádio Televisão Portuguesa, le Gouvernement a indiqué que les allégations étaient trop vagues pour lui permettre quelque investigation que ce soit. Le Gouvernement a précisé que les présumés lésés pouvaient faire recours aux organes judiciaires compétents.

52. Finalement, le Gouvernement a indiqué que toutes les questions relatives aux violations des droits de l'homme devaient se résoudre au niveau domestique et après épuisement des voies de recours internes avant que le Rapporteur spécial ne puisse s'en saisir. De plus, le Gouvernement a souligné que les cas présentés par le Rapporteur spécial devraient fournir des renseignements permettant l'identification des victimes, des faits allégués et des éventuels responsables, de manière à ce que le Gouvernement puisse diligenter une enquête.

Argentina

53. Con fecha 10 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos, sobre los cuales el Gobierno respondió por carta con fecha 8 de noviembre de 2001.

54. **Varios menores recluidos en el instituto de media seguridad Aráoz Alfaro** habrían sido golpeados con caños de hierro por funcionarios del centro después de que 43 de los 60 jóvenes del instituto se habrían fugado el 10 de febrero de 2001. En fotografías de los cuerpos de los detenidos tomadas por la justicia, éstos aparecerían con marcas de impactos en sus espaldas, piernas, en la cabeza, y uno de ellos presentaría una de sus manos completamente perforada. Informes médicos confirmarían las heridas. Por otra parte, al menos 10 de los prófugos habrían sido recapturados y 1 de ellos habría sufrido un intento de violación. Otro de los prófugos habría muerto unos días más tarde durante un tiroteo con la policía. El director del centro habría presentado una denuncia penal contra 10 de los guardias y, en la espera de que se sustancia la causa, éstos habrían sido apartados de sus funciones.

55. Respecto a este caso, el Gobierno informó que el 12 de febrero de 2001 el Director del Instituto Aráoz Alfaro efectuó una denuncia que dio origen a una causa penal en la que se investigan los supuestos apremios ilegales ejercidos contra varios menores de dicho instituto por parte del personal de seguridad. A raíz de los hechos denunciados, la juez a cargo de la instrucción se presentó en dicho instituto y ordenó los peritajes de rigor y la revisión médica de los menores, donde se constató que varios menores presentaban hematomas, las cuales habrían sido producidas con un caño de plástico, según el relato de los mismos. Por otro lado, el personal que se encontraba al momento de los hechos fue suspendido transitoriamente hasta que se aclare el proceso administrativo correspondiente. Asimismo, la Subsecretaría de Justicia de la Provincia de Buenos Aires señaló que en dicho expediente obran declaraciones de los empleados en las actuaciones prevencionales caratuladas "Privación ilegítima de la libertad, evasión, daños y lesiones", y se solicitó a la Oficina de Investigación Personal, Sistema de Investigaciones Criminales de la Fiscalía General del Departamento Judicial La Plata se realice la composición de los rostros de los presuntos imputados, mediante el dictado de rostro por parte de los menores. Por último, informó que la investigación penal preparatoria se encuentra en etapa instructiva.

56. **Diana Sacayan**, un travestido cuyo nombre legal es Walter Oscar Sacayan, habría sido detenida el 14 de febrero de 2001 en Don Bosco, provincia de Buenos Aires, bajo las sospechas de haber cometido un robo. En mayo de 2001, seguiría estando en la misma comisaría en unas condiciones sanitarias poco deseables. Durante varios días no habría tenido acceso a comida ni se le habrían proporcionado sábanas. La nombrada habría sido obligada a compartir su celda con detenidos varones y habría sido objeto de abusos verbales y psíquicos por parte de los guardias, en particular en relación con su identidad sexual.

57. Respecto a este caso, el Gobierno informó de que Walter Oscar Sacayan, alias "Diana" fue detenida el 3 de febrero de 2001, iniciándose así, una investigación penal preparatoria seguida contra la nombrada por portación de arma de fuego de uso civil y robo calificado en grado de tentativa, la cual se encuentra actualmente en trámite ante el Tribunal en lo Criminal No. 3 Departamental. La Subsecretaría de Justicia de la Provincia de Buenos Aires agregó que de dicho expediente surge un escrito suscripto por el imputado, recibido con fecha 3 de julio de 2001, donde solicita continuar alojado en la Comisaría de La Matanza XVII (Don Bosco), hasta tanto se lleve a cabo el juicio. Por otro lado, en cuanto a las condiciones de detención denunciadas por la nombrada, el Gobierno señaló que por su condición de travestido se dispuso su alojamiento en la Seccional de Don Bosco. Esta comisaría ha sido elegida para el alojamiento de aquellos detenidos que necesitan, por diferentes causas, encontrarse "refugiados", motivo

entre los cuales se puede mencionar la condición sexual del imputado y que permite mantenerlo en control directo, por cuanto los allí alojados no superan las ocho personas. Por contrapartida, obran informes del Titular de la Seccional, donde describe inconductas por parte del referido y hace referencia a la agresividad del mismo que torna difícil la convivencia con el resto de los allí alojados. Asimismo, informó de que conforme a lo dispuesto por el Director General de Coordinación Operativa Policía de Seguridad, se procedió a elevar expedientes a la Unidad Funcional en Turno, de La Matanza para la investigación formal de los hechos traídos a tratamiento en la faz penal y en lo administrativo se actuara conforme a su resultado.

58. **Nadia Echazu**, un travestido cuyo nombre legal es Mario Domingo Echazu, habría sido detenida el 11 de marzo de 2001 en Buenos Aires y transferida a la comisaría No. 25, donde habría sido golpeada, maniatada e insultada.

59. Respecto a este caso, el Gobierno informó de que el área competente de la provincia de Buenos Aires, a la cual se requirió información sobre el mencionado caso, no contaba con datos referentes al mismo. Sin embargo, el Gobierno señaló que en un artículo de prensa del periódico *Clarín*, diario de mayor tirada en el país, se hizo referencia a que la nombrada participó en la décima edición de la Marcha del Orgullo Gay, que se realizó el 3 de noviembre en la Plaza de Mayo de la ciudad de Buenos Aires, emitiendo el discurso central, en nombre de las asociaciones de travestís.

60. **María Alejandra Bonafini**, hija de la presidenta de la Asociación Madres de la Plaza de Mayo, habría sido objeto de serias intimidaciones y amenazas de violación el 25 de mayo de 2001. Dos hombres habrían entrado en su domicilio, le habrían cubierto la cabeza y pegado con un palo cubierto de goma. Asimismo, le habrían atado las manos con cinta adhesiva y la habrían llevado al dormitorio, donde uno de los hombres habría empezado a desnudarla, amenazándola con violarla. A continuación, le habrían puesto una bolsa de nailon en la cabeza y le habrían pegado en el estómago hasta que la mujer se habría desmayado. Más adelante le habrían quemado los brazos con un cigarrillo, la habrían tirado contra una pared y le habrían dado patadas. Aunque se desconoce la identidad de los atacantes, existirían serias razones para creer que este acto sea una represalia por las actividades de su madre. El ataque habría sido denunciado y la causa se encontraría a cargo de la Fiscalía No. 3 de la ciudad de La Plata, provincia de Buenos Aires.

61. Respecto a este caso, el Gobierno señaló que se inició una investigación penal a raíz de la denuncia interpuesta por la nombrada, donde declaró haber sufrido golpes, quemaduras de cigarrillos, otros vejámenes y amenazas por parte de dos sujetos que irrumpieron en su domicilio en la localidad de La Plata el 25 de mayo de 2001. Las investigaciones dispuestas por las autoridades incluyeron la inspección ocular del lugar y la toma de declaraciones a vecinos, luego de lo cual la fiscalía interviniente remitió las actuaciones a la Unidad Funcional de Autores Ignorados para su trámite; asimismo señaló que la misma se encuentra en etapa instructiva.

Armenia

62. By letter dated 20 September 2001, the Special Rapporteur advised the Government that he had received follow-up information on the following individual cases that he had previously transmitted to the Government by letter dated 5 October 2000 (see E/CN.4/2001/66).

63. **Nairi Unanian** (ibid., para. 55) and his younger brother **Karen Unanian**, were reportedly arrested after an armed attack on the Armenian Parliament on 27 October and brought to the investigation-isolation prison of the Ministry of National Security in Yerevan, where they were allegedly beaten and threatened by the investigators, which allegedly led them to sign a false confession that they subsequently retracted. On 17 April 2000, Nairi Unanian repeated before a court his allegations that he had been tortured during the pre-trial investigation. An investigation reportedly concluded on 30 June 2000 with a decision not to initiate criminal proceedings for lack of sufficient evidence.

64. **Arutiun Arutiunian** (ibid., para. 54) was reportedly released following Nairi Unanian's retraction of his earlier testimony implicating Arutium Arutiunian in the crime (see above). While in detention, he was allegedly denied access to his lawyer and ill-treated. On 15 March 2000 the General Prosecutor of Armenia rejected Arutiun Arutiunian's complaint alleging ill-treatment for lack of evidence.

65. **Musheg Movsisian** (ibid., para. 53) was reportedly released following Nairi Unanian's retraction of his earlier testimony implicating Musheg Movsisian. He had allegedly been severely beaten by police officers while in detention, hit with batons on the soles of his feet and drugged. A complaint lodged by Musheg Movsisian alleging that an official had tried to drug him on 29 February 2000 as a means of extracting testimony was allegedly turned down by the Procurator General.

66. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 regarding which no reply had been received.

67. By letter dated 20 August 2001 sent jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information on the following individual cases.

68. **Vahagn Ghukasian**, a freelance journalist, was reportedly beaten by officers of the Ministry of Internal Affairs for around two hours on 6 June 2000. As a result, he allegedly sustained scratches and bruises on his chest, his right hand and his forehead. One Ministry official allegedly threatened to open a criminal case against him for carrying drugs or rape. Since this incident, he is reported to have been threatened and intimidated, including through the burning down of his workshop in Yerevan on 24 June 2001.

69. **Rafik Tononian**, a young Jehovah's Witness, was reportedly arrested and violently assaulted on 28 August 2000 at the District Department of Internal Affairs in the city of Martuni. He was reportedly verbally abused and beaten by police officers and, as a result, allegedly suffered severe pain in his knee joints. He was reportedly sentenced to two years' imprisonment on 1 November 2000 by a court of first instance in Martuni, for refusing his call-up papers.

Australia

Urgent appeals

70. On 12 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **Carlos Cabal Peniche** and **Marco Pasini Bertran**, both Mexican nationals, who were being held at Sirius East Unit in Port Phillip Maximum Security Prison, Laverton, Victoria. They were reportedly arrested on 11 November 1998 in Melbourne by federal police pursuant to provisional arrest warrants issued under the 1988 Extradition Act. They were being detained with and subjected to the same treatment as convicted recidivist violent criminals, as the State of Victoria does not provide for segregation of pre-trial and convicted prisoners. Sirius East Unit is reported to be the unit in which the most difficult prisoners are held. Both were threatened on 30 May 2000 by a fellow inmate with a 20-centimetre knife. According to reports by psychologists, the conditions of their detention seriously deteriorated their psychological state. They are said to be very agitated, severely depressed and frustrated to the point of having developed a post-traumatic stress disorder. They are believed not to have received any appropriate psychological support. A number of communications have reportedly been sent to the prison authorities requesting that their conditions of detention be changed, but to no avail. It is reported that when they are taken from the prison to the court, they are shackled and manacled with solid and heavy metal blocks because of their classification as high risk of flight, which is reported to be a pretext. Their handcuffs are said to be connected to a large leather belt attached to their waist while the leg shackles are chained together at the ankles. It is reported that the handcuffs are put so tight that they leave marks on their wrists. They are strip searched (including cavity inspection) after every visit and before and after they are transported to the court.

71. By letter dated 10 September 2001, the Government rejected any claims that the above-named had been subjected to any form of ill-treatment or arbitrary detention, and noted that their conditions and length of detention had been examined in several legal proceedings and were under examination by the Human Rights and Equal Opportunities Commission (HREOC). The Government noted that in August 1999, after threats to their safety and in consideration of a risk of absconding, they had been moved from the so-called "mainstream" prison community of Port Phillip Prison into the maximum security wing (Sirius East) where conditions were harsh, but safe and quiet compared with the general prison community. The HREOC had held in its preliminary opinion that the conditions under which the above-named were detained, "including being held in a maximum security prison where they are held with convicted prisoners and subject to a highly restrictive regime, is inappropriate for their status as unconvicted prisoners" and were in breach of article 10.1 of the International Covenant on Civil and Political Rights (ICCPR). The Government referred to its reservation to article 10.2 (a), and noted that the State of Victoria had no separate facilities to detain remand prisoners. It stated that Carlos Cabal and Marco Pasini were subjected to the same treatment and conditions as other prisoners, including strip searching, cavity inspections, shackling during transportation and treatment consistent with maintaining the security and discipline of a maximum security prison, ensuring that they were protected prisoners, which did not reach the threshold of article 10.1 of the ICCPR. In relation to

the finding by the HREOC that some of the conditions amounted to breaches of article 7 of the ICCPR, the Government disputed that they reached the threshold. Furthermore, it referred to a judgement of a Federal Court judge stating that "although some of the prisoners in Sirius East suffer from communicable diseases, there was no evidence before ... [him] that the nature of the conditions ... are such that there is a significant likelihood that the applicants are liable to contract any of the communicable diseases from other inmates". Shackles were used on the above-named during their transfer to court. They were placed on a "high security escort list" as constituting a greater security risk than other prisoners, and were at times transported in a separate compartment of a truck without windows for security reasons. The psychological impact of the detention conditions had been systematically examined by the Federal Court, and a psychologist examined the two inmates at various times. As a result of his psychological status, Marco Pasini was released on bail on 20 December 2000. Both detainees were considered to be "severely depressed" by a High Court judge; however in Carlos Cabal's case, this was balanced against his resourcefulness, and his experience and opportunities for absconding. The psychological conditions of the above-named were consistent with conditions suffered by other prisoners in a similar situation, and they had access to appropriate medical facilities within the Victorian prison system.

Follow-up to previously transmitted communications

72. By letter dated 7 February 2001, the Government provided further information in relation to an urgent appeal sent on 19 July 2000 (E/CN.4/2001/66, paras. 66 and 67), stating that, on 31 December 2000, Herman Chikonga had been granted a Subclass 866 (Protection) visa, allowing him to re-enter Australia for a five-year period. After that period, he could apply for a further five-year entry visa. He is entitled to remain indefinitely in Australia and allowed to work without restriction.

73. By letter dated 4 April 2001, the Government responded to a letter sent by the Special Rapporteur on 5 October 2001 (E/CN.4/2001/66, para. 65), stating that an exhaustive examination, including a detailed coroner's inquiry, had taken place which tended to refute any suggestion that Neil Holt (also known as Neil James Anderson) had been assaulted shortly before his death. His case was further considered by the Western Australian Ombudsman and an internal investigation conducted by the Western Australian Ministry of Justice had also taken place.

74. By letter dated 24 August 2001, the Government responded to an urgent appeal sent on 6 December 1999 (E/CN.4/2000/9, para. 31), stating that it was complying with the request by the Committee against Torture not to remove the family of Libyan asylum-seekers while their communication was under consideration.

Azerbaijan

75. By letter dated 20 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual case.

76. **Gulhar Pashayeva**, a female pensioner, was reportedly beaten by police officers on 20 November 2000 in a police station of Sheki, insulted and clubbed, allegedly in order to make her tell the police about a meeting. She was reportedly kept for two days in the police station and transferred to hospital, where she was allegedly treated for her wounds.

77. By letter dated 20 September 2001 sent jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information on the following individual cases.

78. At least **120 persons** were reportedly beaten by policemen in Baku on 19 and 20 April 2001, during a rally held by the Azerbaijan Democratic Party (ADP). **Suleyman Mamedov**, editor-in-chief of *Khuriyyat* newspaper was allegedly beaten by the deputy head of Baku main police department.

79. **Amrali Babayev**, chairman of the ADP Nakhichevan department, was allegedly severely beaten on 30 April 2001 by a group of policemen and civilians led by the head of the criminal investigation department in Nakhichevan city.

80. **Gulhar Pashayeva**, a 61-year-old woman, reportedly took part in a post-election demonstration in Sheki on 18 November 2000. She was allegedly beaten by police officers after being taken to a police station in the city on 20 November and threatened with rape with a truncheon. When she went to the Central Hospital in Sheki, hospital employees were reportedly too afraid to provide her with medical assistance. Later, the prosecutor reportedly refused to issue a request for a medical examination by the State forensic service.

81. **Anvar Gulusoy**, a member of the opposition Musavat Party, reportedly took part in a post-election demonstration in the town of Sheki on 18 November 2000. Anvar Gulusoy was allegedly beaten by the police and sustained a broken arm as a result. He was reportedly brought to the investigation-isolation prison at Ganja. On 10 July 2001, the Court of Serious Crimes in the town of Mingechevir sentenced Anvar Gulusoy to four years' imprisonment for his participation in the demonstrations in Sheki.

82. **Vajif Hadjibeyli**, the chair of the opposition Ehrar (Peasants') Party, was reportedly detained when taking part in an attempted demonstration in Baku on 29 April 2000 and severely beaten by police. As a result, he allegedly suffered from concussion, for which he did not receive prompt and appropriate medical attention while in detention at the local police station. He was reportedly denied access to his lawyer and family. The General Prosecutor is said to have indicated in July 2000 that a forensic medical examination had found light bodily injuries on Vajif Hadjibeyli and that measures were being taken to determine those responsible. However, no results of any such measures are said to have been made public.

83. By letter dated 20 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual case.

84. **Ilqar Djavadov** was reportedly beaten to death on 13 May 2001, by police officers of the 9th police station of Sbayil district police department of Baku city who reportedly demanded a bribe for his release. When a friend of Ilqar Djavadov reportedly brought the necessary sum of money to the police station, he was informed about his death. The Special Rapporteurs have been informed that he had four ribs, neck, cranium and right arm broken and that he presented visible haematomas from the beating. A criminal case was reportedly opened by the Office of the General Prosecutor, and, to date, three policemen of the 9th police station are said to have been arrested, but not charged with torture.

Information provided by the Government in relation with the May 2000 fact-finding mission by the Special Rapporteur (see E/CN.4/2001/66/Add.1)

85. By letter dated 25 May 2001, the Government provided detailed information in response to the Special Rapporteur's report on his mission to Azerbaijan and noted that appropriate measures were being implemented on the basis of his recommendations. The Government recalled that a working group on the implementation of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment had been established by presidential decree to define measures to be taken. Many progressive steps had been taken to bring detention conditions into line with the European penitentiary rules. The Code for the Execution of Criminal Penalties came into force on 1 September 2000 and provides for humane conditions of detention and treatment of detainees. Since the transfer of remand institutions from the jurisdiction of the Ministry of Internal Affairs to the Ministry of Justice in October 1999, bunks and bedding have been provided to all detainees. All iron bars have been removed from windows and action has been taken to ensure adequate natural lighting and strict compliance with health and hygiene standards. Detainees in remand institutions are medically examined in special quarantine facilities and can take exercise.

86. The Tuberculosis Control Act, which came into effect in May 2000, provided for special conditions of detention and diet and specialized medical help for detainees with tuberculosis. The Ministry of Justice has established a new secure hospital for such treatment in cooperation with the International Committee of the Red Cross. Pursuant to the Minister of Justice' s Order of 14 August 2000, a medical colony has been established for prisoners with tuberculosis and inmates of the No. 15 labour colony have been moved elsewhere. As a result of all the actions taken, the death rate among inmates at penal institutions has been more than halved.

87. Pursuant to the Death Penalty (Abolition) Act of 10 February 1998, death sentences were commuted to life imprisonment. The Act established that persons concerned should be held in prisons. Inmates of remand institutions were hence transferred in February 1998 to the Gobustan prison and were informed of their legal position. They were individually informed about the Act and confirmed this by their signatures. Newspapers which reported the information were also made available to persons whose sentences were commuted. A prisoner's guide was printed in large numbers in May 2000 and was distributed to inmates of penal institutions. It included information on the abolition of capital punishment and on prisoners' rights. The Government indicated that the Working Group had difficulties in investigating some assertions made in the Special Rapporteur's report, since the sources of the information were not given, for example in relation to torture allegations in response to a mutiny at Gobustan prison (see also below).

88. Regarding non-governmental organizations' (NGO) involvement, the Government stated that reforms were carried out with the active participation of the community and NGOs through seminars and programmes on legal reform. As part of the reform of the judicial system, examinations for appointments of judges have been conducted with the participation of NGOs. Reforms of the penitentiary system were also being carried out in the light of NGOs' recommendations. Representatives of NGOs visit penal institutions, have meetings with detainees and cooperate with the authorities of penal establishments regarding detention, food and medical care of detainees.

89. As regards fear experienced by persons in short-term or pre-trial detention, the Government stated that it was difficult to link this fear with possible breaches of the law as anyone would feel anxious about being taken into custody. Unlawful arrest not in compliance with respect for arrested persons' rights, is punishable under the Criminal Code and any abuse of position by police officers is thoroughly investigated and the guilty parties are held to account. A great deal is being done regarding the selection and further training of police officers on the protection of human rights.

90. As regards the "pitch-black" cells visited by the Rapporteur, the Government noted that explanations for his findings had been given which he treated with suspicion. Concerning the situation in remand centres under the Baku Chief Department of Police, the Government stated that they have now been equipped with the necessary supplies as to bedding and that the absence of bedding was attributable to the periodically conducted health measures.

91. The "remand centre operations monitoring unit" of the Public Safety Department in the Ministry of Internal Affairs has been restructured. Alterations have been made in remand centres to improve the conditions of detention. Wooden floors are being started to be replaced with concrete floors, the dimensions of cell windows have been increased from 50 x 90 cm to 100 x 120 cm. Under the new standards, the prescribed floor space per detainee is 4 m^2 instead of 2.5 m^2. Places for religious worship are being created and toilet facilities are being installed in every cell.

92. The Criminal Code and the Code of Criminal Procedure in force at the time of the Special Rapporteur's visit ceased to apply on 1 September 2000, so that paragraphs 11, 12 and 23 no longer apply. Under the new Code of Criminal Procedure, procurators do not have the power to remand people in custody or to extend their period of detention. Only courts can do so. Paragraph 74 of the Special Rapporteur's report contains an error regarding the content of article 293.2 (coercion to testify) of the new Criminal Code. The article reads: "The same acts are, if committed with the use of torture, punishable by deprivation of liberty for a period of 5 to 10 years".

93. The now invalid article 430 of the Code of Criminal Procedure stated that persons could not be held in places of temporary detention for more than three days. Only in the case of distance and the absence of the necessary roads could persons be held for longer, but not exceeding 30 days. Article 157.3 of the Code of Criminal Procedure provides that detainees may not be held in places of temporary detention for more than 24 hours on a court order. Following the expiry of that time limit, they must be transferred to a remand centre.

94. Regarding paragraph 80 of the Special Rapporteur's report, the Government noted that article 84.5.19 of the Code of Criminal Procedure dealt with the procurator's competence to supervise the legality of detention or of other measures of restraint. Regarding paragraph 85, it is not correct that a lawyer is not made available until 48 hours after the arrest. Article 90.7.5 provides that suspects have the right to defence counsel from the moment of arrest. Regarding paragraph 89, the Government pointed out that, pursuant to the logic of article 155 of the Code of Criminal Procedure, there can be no preventive measure of pre-trial detention against anyone accused of a crime punishable by less than two years' imprisonment. However, article 155.3.2 of the Code permits pre-trial detention of suspects who seek to evade the authorities conducting a case, who exercise unlawful pressure on parties to the proceedings, impede the normal conduct of the pre-trial investigation by concealing important material, repeat a criminal act or present a danger to society. Regarding paragraph 80, the Government noted that time spent in pre-trial detention was included in the duration of penalties set by the court.

95. Regarding Elshad Guseinov (E/CN.4/2001/66/Add.1, para.31), the Government responded that as a result of a domestic dispute, he and his neighbours came to blows and suffered minor injuries. The Sabuncu district police opened a criminal case. On 15 May 2000, the case was sent for trial. The court ordered the men's exposure to peer pressure to mend their ways. Elshad Guseinov did not submit a complaint to a procurator's office about unlawful acts by police officers. The allegations of torture and of a connection with foreign intelligence are false.

96. Regarding Intigain Jafarov (ibid., para. 32), the Government replied that he and another man had injured a third man and had taken his vehicle. The Sabuncu district police opened a criminal case and conducted an investigation. The two men made a full confession and their guilt was proved by way of witness statements and other evidence. They refused the services of a lawyer. Neither during the investigation, nor in court did either of the men complain of the use against them of prohibited methods, which could not be proved.

97. Concerning Leyla Takhirbekova (ibid., para. 33), the Government responded that criminal proceedings had been opened against her on 16 February 2000 for deception and appropriation of money. She was remanded in custody and she refused the services of a lawyer, who nevertheless took part in the stages of the investigation and in the trial. Her guilt was proved. No complaints were received of unlawful acts against her.

98. Concerning Bakhtiyar Kurbanov (ibid., para. 34), the Government responded that he and two other men burgled an apartment in the Kubinsky district. The police instituted criminal proceedings and Bakhtiyar Kurbanov was arrested on 23 February 2000. He was offered a lawyer, but refused his services. On 22 April 2000, the case against the three men was sent for trial and Bakhtiya Kurbanov was sentenced to 18 months' imprisonment. At the trial, he had made a full confession. No evidence of unlawful acts by law enforcement officials against him was produced.

99. Concerning Bekhbudov (ibid., para. 35), the Government stated that on 29 September 1994, he was found guilty by a court and given a provisional sentence for having known, but having failed to inform the law enforcement authorities, about preparations for a terrorist attack on the head of the Military Counterintelligence Service. Although there

were links between him and the terrorists, these could not be proved in court. When questioned in the presence of his lawyer, he voluntarily admitted guilt. No corroboration was found of the allegations that his confession had been forcibly obtained.

100. Concerning Suraya Mamedova (ibid., para. 38), the Government responded that she was prosecuted for fraud. Following the fraud, she hid and was made the subject of a search order. After being arrested, she made good the damage suffered by the victims and, in accordance with the Amnesty Act passed by the Milli Mejlis, the sentence against her was quashed. The allegations of unlawful acts against her by the law enforcement agencies could not be confirmed and no complaint of such action was received during the criminal investigation.

101. Concerning Soltan Salimov (ibid., para. 39), the Government replied that he was convicted, inter alia, of the murder of six persons in the course of an attempted terrorist attack. After hiding outside the country, he was arrested by police officers in Baku and, on 11 May 2000, was taken to the Sabail district police station. On 14 May, he was remanded in custody. During the pre-trial investigation he was held in a remand centre. On 12 August 2000, his case was sent for trial. In court, his guilt was proven by his own admission, testimony from witnesses and other evidence. His rights were protected by a lawyer and no complaints were received of unlawful acts against him.

102. Concerning the events in Gobustan (ibid., paras. 61-63), the Government responded that the Special Rapporteur's account of the events, although basically correct, was not entirely accurate. On 7 January 1999, inmates of the prison seized a checkpoint, the guard room, guard posts, ammunition and weapons and took 28 servicemen and guards hostage. The assailants induced other prisoners to escape, tortured their hostages and injured a number of servicemen. On 8 January, after negotiations with the authorities, a bus was made available to them and a route was cleared for their departure. They drove down the road at high speed, opening fire on members of the armed forces, who responded by using their own weapons Control of the bus was lost and ran it into an armoured car standing at the roadside and overturned. In the exchange of fire, prisoners in the bus and two servicemen who had been taken hostage were killed and 25 other service personnel were wounded. Criminal proceedings were opened on the same day, 8 January 1999. The investigation was entrusted to highly experienced professionals of the investigation department of the Procurator-General's Office, who kept the public regularly informed of the course of their inquiries. The accused were provided with lawyers. There was not a single complaint during the investigation or the court hearings from the accused or their defence counsel about the use of unlawful methods of inquiry. During the investigation, criminal proceedings for negligence were instituted against 24 people, including officials. During the trial, all 24 defendants were provided with lawyers. The defendants' guilt was confirmed by their own testimony and that of witnesses and victims.

103. Concerning the rally at Fizuli Square on 29 April 2000 (ibid., paras. 65-66), the Government indicated that a small group of opposition parties calling itself the "Democratic Congress" applied to the Baku city authorities to hold this rally. As the square is in the centre of the city, surrounded by housing developments and not suitable for large-scale events, the Mayor's office proposed another venue that was more suitable from the safety viewpoint. Despite this, the organizers tried to hold their event in Fizuli Square without the permission, thereby causing a public disturbance. Public order offences during the rally led to 42 police

officers being injured to varying degrees. Of the participants in the rally, 11, including Vagif Gadzhiev, were arrested and prosecuted for the use of force leading to the disturbance of public order. Reports of violence used against them have been carefully studied but could not be confirmed. They have been released. Pursuant to the Amnesty Act, the cases against them have been dropped.

104. Concerning the chief of the Gyanja police station, Natig Efendiev (ibid., para. 50), the Government responded that it was established from numerous statements from members of the public that he, in abuse of his authority, established criminal groups, made unlawful arrests, tortured people, deliberately destroyed property and released a number of people after taking bribes from them. Thus, he held the population of Gyanja in a state of fear. Because of his unlawful conduct, he was dismissed from his post at a widely attended meeting of heads of department of the Ministry of Internal Affairs and criminal proceedings were instituted against him. To avoid prosecution, he remained hidden abroad for a long time. The law enforcement authorities captured him in accordance with international rules, through Interpol. On 22 January 2000, he was charged and placed in pre-trial detention. He was provided with a lawyer. In court his guilt was proven and he was convicted. No allegations of ill-treatment against him were raised.

Bahrain

105. By letter dated 15 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases, to which the Government responded by letter dated 15 August 2001.

106. **'Abd al-Amir Ja'far al-'Aradi** was reportedly arrested on 31 August 1998, held at the headquarters of the security services and subsequently transferred to the building of the security services in al-Muharraq. He was said to have been beaten and suspended from his tied hands while blindfolded, and left hanging from a wall for several hours for several days during interrogation.

107. **Mohammad Sa'eed al-Maqabi**, a 32-year-old bus driver, was reportedly stopped and searched at a checkpoint on the causeway between Saudi Arabia and Bahrain on 20 August 2000. The following day, he was reportedly arrested at his home in the village of Barbar. In detention, he was reportedly suspended for hours, during which time he was beaten with a cable on the soles of the feet (*falaqa*), as a result of which he is believed to have lost consciousness and was taken to hospital.

108. **Hussain Awal** was reportedly arrested on 8 November 1999 and brought to the Al Qalá police station in Manama, where he was said to have been tortured by members of the Security Intelligence Service (SIS), as a result of which he sustained a broken leg and hip.

109. **Halima Hassan Sdeif**, a 20-year-old woman, was reportedly arrested at her home on 16 December 1999 and is said to have been severely beaten before being taken into custody at the Issa town detention centre. In detention, she was allegedly subjected to further ill-treatment before being released on 6 January 2000 after her family allegedly agreed to pay 600 dinars.

110. **Jassim Hassan Al-Nakkal**, a 16-year-old boy, was reportedly severely kicked and beaten by security personnel on a street in Sitra on 5 May 2000. After the beating, he was said to have been taken in a critical condition to Salmaniya Hospital by passers-by.

111. **Abdul Shahid Khamis**, a 12-year-old boy from Sanabis was reportedly arrested on 18 January 2001 by members of the SIS and transferred to the Issa town police station. During arrest, he was allegedly beaten.

112. **Mahmood Abdul Nabi Ahmed** was reportedly arrested by units belonging to the Ministry of the Interior on 21 January 2001, and beaten and kicked during the arrest. At Issa town police station, he was allegedly subjected to further ill-treatment by members of the Security Intelligence Service.

113. **Isa Abdul Nabi Al-Daqqaq**, a 20-year-old man, was reportedly beaten, including with PVC hose pipes, by members of the SIS in Issa town police station on 21 January 2001.

114. **Sami Jaffer Habib**, a 22-year-old man, was reportedly beaten by members of the SIS on his head with their fists in Issa town police station on 21 January 2001.

115. **Ali Jasim Ali**, a 20-year-old man, was reportedly beaten, including with PVC hose pipes, by members of the SIS in Issa town police station on 21 January 2001.

116. The Government categorically denied all allegations received. It noted that none of the individuals mentioned were in any form of custody or detention, and that adequate domestic remedies were available to them. The Government further stated that 9 of the 10 allegations had been the subject of previous responses under the 1503 procedure, and drew the Special Rapporteur's attention to its response of 6 April 2000 (E/CN.4/2001/66, para. 123) to one of the cases transmitted previously as an urgent appeal on 12 January 2000 (E/CN.4/2001/66, para. 122).

Bangladesh

117. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

118. Firoz, a nine-year-old boy from Gaibandha district, outside Dhaka, was reportedly held in police detention in July 1999, bound with a rope, hung up from a high bar and his thumb crushed with pliers. At the time of his arrest, he was reportedly beaten and slapped. He was subsequently taken to Mohammadpur Thana police station, where he is believed to have been made to squat on the floor. The Government is reported to have failed to bring the perpetrators to justice. Firoz is said to be receiving psychiatric treatment.

119. Sheikh Mohammed Haroon, aged 25, from Faridpur district, was allegedly beaten by about five policemen in Dhaka city in Mohammadpur area on 24 April 1998. At Mohammadpur police station, the police reportedly pushed needles under all the nails of his right hand with pliers, crushed the middle finger of his right hand and a finger of his left hand with a pair of pliers, subjected him to electric shocks, hung him by his hands from the ceiling in a corner and

beat him for some 30 minutes with a stick. His family was allegedly asked for a bribe of 100,000 Taka. Hours later, he was referred to Dhaka Medical College Hospital, where he remained for two months. He was allegedly taken to court from the hospital, but not physically presented before the Chief Metropolitan Magistrate. His lawyer reportedly told the magistrate that Haroon had been in hospital as a result of torture, but no notice was allegedly taken. No investigation or trial of the police has reportedly taken place.

120. **Sheikh Shahabuddin Ahmed**, 81 years old, vice president of the Savapouro section of the Awami League, was reportedly beaten at his home, in the street and later at the police station on the day of his arrest, 7 July 1998. He was allegedly beaten for about 10 minutes with a thick iron rod in front of his neighbours and had four teeth broken when a gun was shoved into his mouth. He was reportedly taken to Savar police station. Despite his appeals to the Home Minister, the Prime Minister and to the Inspector General of Police seeking punishment for those who allegedly ill-treated him, only a sub-inspector was dismissed, on 20 September 1998.

121. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual case.

122. **Shah Mohammed Tiku**, a young man resident in Mirbagh area of Dhaka was reportedly drowned in a pond in the Masjider Morh area in Mirbagh on 3 July 1999. The police reportedly kicked him severely, making him fall into the pond and reportedly did not assist him and prevented other witnesses from helping him. No investigation is said to have been opened concerning the case. Shah Mohammed Tiku's father reportedly filed a case before the court on 7 July 2000 against six persons, three sub-inspectors of police and three police informers, testifying in his statement that the police informers were engaged in trading heroin and other drugs in the locality with the connivance of the police.

123. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur advised the Government that he had received information on the following individual cases.

124. **Chaniu Marma**, a 13-year-old girl from Dajjya Para village in Khagrachari district, is reported to have been repeatedly raped by a group of so-called Bangladeshi Muslim infiltrators on 18 March 2000 near Dajjya Para Road. She allegedly lost consciousness. On 23 March 2000, she was reportedly examined at Khagrachari Hospital and lodged a case against the rapists at the Manikchari police station under the Children and Women Persecution Act. No investigation nor arrest has reportedly been carried out.

125. **Momta Khatun Rekha**, a 17-year-old girl from Singuira village in Gatail area of Tangail district was reportedly raped by a police constable from Bhuapur police station on 14 September 1999 in a house adjacent to Bhuapur Thana Hospital. The constable took her to a nearby house, where she was tied to a bed and had a handkerchief pushed into her mouth. The family is said to have filed a complaint on 15 September 1999 against the constable and his accomplice at Bhuapur police station on the allegation of kidnapping and raping Momta Khatun. The constable was reportedly suspended and taken into custody. Months later, Momta Khatun Rekha withdrew the case, reportedly under severe pressure from the police.

126. **Rowshan Ara Begum**, an elected member of the Union Parishad (local council), was allegedly raped in her home in the Kishorgonj district of Dhaka on 1 May 1999 by two men accompanied by three accomplices. They allegedly beat her in front of her 13-year-old daughter, Shara, who was then locked out of the house while two of the men raped her mother. The five accused were said to have been subsequently arrested, but three (charged with being accomplices) were released on bail and reportedly threatened her, her children and her lawyers. The police are said to have taken no action to assure their safety.

127. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information on the following individual cases.

128. **Abdus Salam**, a former student and political activist affiliated to the Bangladesh Chhatra League (BCL) and other BCL members were reportedly beaten during a procession on 21 March 1996 in Kunda by about 40 policemen, as a result of which he sustained injuries to his legs and head. Since then, his leg has reportedly not healed and he has not been able to use it. He is said not to have filed a case for fear of retaliations.

129. **Mohammed Sakhawatullah Khan (Anu)**, an advocate of the Supreme Court, was reportedly arrested on 18 April 1999 in Rangpur Bazar High Street, Dhaka while taking part in a Bangladesh Nationalist Party (BNP) procession. He was reportedly grabbed by two policemen, who are said to have beaten him on his head with bamboo sticks so hard that the stick broke on his face and his forehead was allegedly cut and bleeding. Several other policemen allegedly joined in, using sticks and rifle butts to beat him on his back, kidneys, lower abdomen, right arm, feet, waist and hands, until he allegedly became unconscious. He reportedly awoke in a detention cell of the police station in handcuffs. The police reportedly refused to send him to hospital despite the hospital doctor's advice. No action is known to have been taken by the authorities.

130. **Habibun Nabi Sohel**, the President of the Jatayatibadi Chhatra Dal (JCD) was reportedly arrested on 17 December 1999 in Dhaka, beaten by the police with rifle butts on his legs, back, hands, chest, and kicked for about 25 minutes. At the station, he was reportedly beaten again. The court allegedly ordered the jail authorities to provide him with medical treatment before he was taken into police remand. He was reportedly kept in Dhaka Central Jail for one month where he received medical treatment for his injuries and denied visits by his relatives, a doctor or a lawyer while in detention. In remand, he was allegedly beaten, blindfolded and two hose pipes placed into his nose and turned on.

131. **Mohammed Nasiruddin Ahmed (Pintu)**, General Secretary of JCD, was reportedly arrested with Habibun Nabi Sohel and believed to have been subjected to the same ill-treatment. During their third remand period, they were reportedly both beaten on different parts of their bodies by the police with sticks. Pintu was reportedly taken from Dhaka Central Jail on 2 March 2000, first to Mutijheel police station where he was blindfolded with his hands tied behind his back, and then into Army custody. There, he was allegedly forced to listen to a tape with cries of people in pain, and given electric shocks. No legal action has reportedly been taken against the officers involved.

132. **Debu Prasad Das**, a photo-correspondent with the Agence France-Presse (AFP), was reportedly beaten with sticks and rifle butts by seven police officers and kicked in the lower parts of his body for about 10 minutes on 9 August 1999 during a strike at Bari Building near Chittagong. He reportedly filed a complaint (No. 1691/99) at the Chittagong Port police station and before the Chittagong Magistrate Court on 30 August 1999. No investigation of his complaint by police is said to have taken place and the police reportedly harassed him to withdraw his case and offered to repay his medical expenses.

Urgent appeals

133. On 22 February 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the freedom of opinion and expression on behalf of **Tipu Sultan**, a journalist with United News of Bangladesh, a private news agency, who was reportedly severely beaten on 25 January 2001 by a gang allegedly supported by an Awami League Member of Parliament in Feni. As a result of the beating, his legs were allegedly broken. He is said to have undergone a number of operations but the injuries are believed to have caused permanent damage. It is believed that the beating of Tipu Sultan was related to a report, written nine days earlier, in which he alleged that a gang supported by the Awami League Member of Parliament was responsible for the destruction of the Sultana Memorial Junior Girls School at Omarpur under Daganbhuyan thana un Feni district. It is reported that on 27 January 2001, he filed a case against 15 people, including the above-mentioned Member of Parliament, but the police officer in charge refused to register his First Information Report. On 28 January he reportedly fled from Feni to Dhaka in fear for his life. His relatives were believed to be at risk as well. The Bangladesh Rehabilitation Centre for Trauma Victims is reported to have sent a report about the above-mentioned beating to the Government, but no response has yet been received.

Follow-up to previously transmitted communications

134. By a letter dated 19 December 2000, the Government responded to a number of cases transmitted by the Special Rapporteur on torture and the Special Rapporteur on violence against women on 10 October 2000 (E/CN.4/2001/66, para.141).

135. Concerning Bhancha Sana (ibid.), the Government indicated that no report concerning the victim had been found. It was, however, possible that Bonita Rana Sana's name was mistakenly reported as that of the victim, Bhancha Sana. On 18 July 2000, Sanjoy Kumar Das was reportedly attacked with acid by Kartik Chandra Sana and his wife, Bonita Rani Sana. The case is under investigation.

136. Concerning Fatima Begum (ibid.), the Government stated that Mr. Nizamuddin had lodged a case with Kishorgonj Police Station alleging that Tara Miah and Mohammed Pandit had attacked his wife Fatima Begum with acid. The accused persons had been arrested and were subsequently released on bail. The case is under further investigation.

137. Concerning Shah Alam (ibid.), the Government indicated that the victim did not sustain any serious injury as the substance was not acid, and no case had been lodged with the police. However, four persons were arrested by the police as suspects. In the absence of substantive proof, they were later released.

138. The Government further indicated general measures taken to address the crime of acid attacks. The Women and Children Repression Act 2000 and the Public Safety Act 2000 were promulgated to address crimes particularly directed against women and children. Since then, delays in respect of investigations relating to acid attacks have largely diminished and punishment for such offences has been increased. A special squad of the Criminal Investigation Department (CID) of the police force has been especially mandated to address such attacks. Awareness-raising and rehabilitation programmes were being monitored by the Ministry of Women and Children's Affairs. The number of acid attacks has consequently decreased in recent times.

Belarus

139. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information according to which the conditions of detention at the Minsk Special Detention and Distribution Centre are unhygienic. In particular, it is reported that there are mice in the cells and that inmates have to share a cup to drink water, a situation which is said to facilitate the spread of diseases. The lavatory pan, the washbasin and the drinking water tap are reportedly connected to form a single structure, and everyone using the lavatory has allegedly to do it in plain sight of other inmates. It is alleged that there is no toilet paper or soap and that the detainees are not allowed to use their own toiletries or to change clothes. Parcels brought for inmates by relatives are reportedly accepted very rarely. According to the information received, cells are heavily overcrowded and without ventilation. It is also reported that detainees are not allowed to have television sets or radios, or to make phone calls, write, draw, read, play any kinds of games or study. The Special Rapporteur has also received information concerning the conditions of detention of prisoners infected with HIV in the Minsk Pre-Trial Detention Centre. It is reported that such prisoners are held in cells with wet floors, almost no fresh air and the ventilation closed most of the time, allegedly because the guards are afraid of being infected with HIV. In addition, the prisoners allegedly do not receive elementary medical care.

140. The Special Rapporteur also transmitted information on the following individual case. **Denis Selivonik**, a minor, was reportedly arrested by two men on 22 September 2000, taken to the Pervomayski police station in Babruisk and interrogated for 12 hours, during which time he reportedly fell ill. He was allegedly given an injection, after which it is believed he could not understand the documents he was signing. In the pre-trial detention cell where he was held with adult detainees, one of the officers reportedly hit him on the head. One of the detainees was allegedly ill with tuberculosis and infected the minor.

141. By letter dated 27 September 2001 sent jointly with the Special Representative on human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information on the following individual cases.

142. **Oleg Volchek** was reportedly arrested during a pro-democracy demonstration on 21 July 1999 on Moskovskaya Street in Minsk and taken to the Moskovsky District Department of Internal Affairs, where he was reportedly repeatedly punched and kicked by

three police officers, and denied medical treatment. The authorities apparently failed to investigate his allegations and charged him with "malicious hooliganism". However, charges against him are said to have been dropped in late November 1999, reportedly due to lack of evidence.

143. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information on the following individual case.

144. **Aleksey Shidlovsky** was reportedly released from prison in February 1999 after having been arrested in August 1997, inter alia for writing anti-Government graffiti in Stolptsy. During his pre-trial detention in Zhodino, he and other detainees were reportedly made to leave their cells and stand in painful positions with their arms and legs stretched against a wall. Prison guards reportedly kicked them if they moved or fell, filled their cells with cold water and then forced detainees to empty the cells using cups. If they did not succeed within 30 minutes, the whole exercise was reportedly repeated.

Bolivia

145. Con fecha 23 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

146. **Crisólogo Mendoza** y **Modesto Condori**, dos sindicalistas detenidos en La Paz, habrían sido sometidos a torturas y malos tratos durante el estado de sitio de 1995. Individuos encapuchados los habrían golpeado, les habrían perforado los testículos con alfileres y los habrían amenazado de muerte para obligarles a declarar contra otro dirigente.

147. **Wilson Pucho Alí**, conscripto de la Primera Base Aérea de la Fuerza Aérea de Bolivia, habría sido torturado en septiembre de 1996 por tres oficiales y dos civiles en la base aérea militar de El Alto, supuestamente por haber extraviado su fusil. Durante una semana habría sido mantenido encadenado, colgado boca abajo, sumergido en agua, golpeado con un palo y sometido a simulacros de ejecución. Cuando fue conducido al hospital militar, tendría lesiones generalizadas y los tobillos fracturados.

148. **El padre Hugo Ortiz**, sacerdote católico y presidente de la Asamblea Permanente de Derechos Humanos de Bolivia (APDH) en Caranavi, Departamento de La Paz, habría sido golpeado por miembros de la Unidad Móvil de Patrullaje Rural (UMOPAR) (unidad de lucha antidroga) en julio de 1998, cuando viajaba para asistir a una reunión diocesana. Otros funcionarios de la APDH habrían sido objeto de amenazas, incluso de muerte, y blanco de hostigamientos y agresiones.

149. **Roger Candia Vallejos**, soldado en el regimiento Jordán de Riberalta, habría sido golpeado por efectivos del ejército el 30 de agosto de 1999. Un sargento le habría infligido el castigo físico de apaleamiento en la espalda, los glúteos y en los riñones, que le habrían ocasionado trauma lumbar y hematuria. Posteriormente, habría sido nuevamente castigado

físicamente, siendo ingresado al hospital con heridas de golpes, una herida torácica infectada y depresión. Las radiografías practicadas indicarían una fractura linear en la columna, probable contusión medular y retardo en el desplazamiento de los nervios de las piernas. Una sanción disciplinaria habría sido impuesta al oficial que habría ordenado el castigo.

150. **Diez presos peruanos** detenidos en el penal de El Abra habrían sido atacados por otros reclusos bolivianos del centro penitenciario en agosto de 1999. La protección de los detenidos dentro de las cárceles no estaría siempre garantizada por parte de las autoridades. La Defensora del Pueblo habría ordenado que se investigara el papel desempeñado por el personal penitenciario en el incidente, remitiendo los antecedentes a la Fiscalía del Distrito para la iniciación de la respectiva acción penal.

151. **Simón Mamani Ramos**, de 24 años de edad, habría resultado herido tras la incursión de unos 750 miembros de las Fuerzas de Tarea Conjunta (FTC), cuerpo creado por las Fuerzas Armadas, en el pueblo de La Asunta el 14 de junio de 2001 para iniciar la erradicación del supuesto excedente de hoja de coca. En el enfrenamiento entre los miembros de las FTC y los pobladores de La Asunta, se habrían utilizado gases lacrimógenos, balines de goma y balas de guerra. Simón Mamani Ramos, a raíz del incidente, habría padecido, según un informe médico llevado a cabo el 20 de junio de 2001 en el hospital San Gabriel, anemia, una fractura expuesta de la tibia derecha, una lesión muscular del tríceps derecho, una lesión vascular de troncos venosos de la pierna derecha y una pérdida de piel en superficie anterior y posterior de la pierna derecha.

152. Con fecha 16 de agosto de 2001, el Relator Especial, junto con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias, notificó al Gobierno que había recibido información sobre los siguientes casos.

153. **Freddy Cano López**, ciudadano peruano detenido en mayo de 1999 y recluido en las instalaciones de la Interpol de La Paz, habría muerto en junio del mismo año a causa de las lesiones sufridas durante un incendio en su celda. En un primer momento, los guardias habrían hecho caso omiso de sus gritos de socorro. La Comisión de Derechos Humanos de la Cámara de Diputados habría ordenado el procesamiento por la justicia ordinaria de tres agentes de policía a los que se atribuirían responsabilidades penales en el incidente, así como la iniciación de un proceso disciplinario interno contra el director nacional de la Interpol.

154. **Isaac Mejía Arce**, un joven de 19 años detenido desde septiembre de 2000 habría fallecido el 16 de febrero de 2001 como consecuencia de las lesiones provocadas por las torturas a las cuales habría sido sometido en la "carceleta" de Chimoré por miembros de UMOPAR. El joven habría sido sometido dos veces por semana a la tortura conocida como "el arrastre" en la cual dos personas se sientan encima de la víctima mientras otras dos la arrastran.

155. Con fecha 23 de agosto de 2001, el Relator Especial informó al Gobierno, en relación a las cartas transmitidas por el Ministro de Justicia y Derechos Humanos y el Viceministro de Derechos Humanos el 15 de junio de 2001, de que agradecía la invitación para visitar su país y se complació en informar próximamente al Gobierno sobre la posibilidad de efectuar dicha visita en función de la totalidad de las actividades del mandato.

Brazil

156. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

157. **Nazareno Kleber de Mattos Vargas**, a corporal in the Air Force, was reportedly taken to the 76th police district in Niterói, Rio de Janeiro, on 3 February 1997, and subjected to electric shocks and beatings. His wife was also allegedly arrested and subjected to ill-treatment. On the following day, he was reportedly taken to the 3rd Command of *Batalhão de Infantaria da Aeronáutica* (BINFA), Rio de Janeiro, where, for two years, he was reportedly detained in an infested cell, where he was kicked, punched, slapped, sexually abused and subjected to electric shocks. An investigation by the Office of the Public Prosecutor and by the police has reportedly been opened. Mattos Vargas is said to be under pressure to drop the charges.

158. **Anderson Hilário de Souza** was reportedly arrested on 17 February 1997 in the State of Rio de Janeiro, held for two days at the 3rd Command of BINFA, before being transferred to the Heitor Carrilho prison hospital. At the 3rd Command of BINFA he had allegedly been severely beaten and strangled, sexually harassed and subjected to electric shocks. An investigation is said to have been opened by the federal police.

159. **Anderson Gomes Monteiro**, a member of the Air Force, was reportedly arrested on 7 July 1998, in the State of Rio de Janeiro, and brought to the 3rd Command of BINFA, where he is thought to have been subjected to ill-treatment during the two following years. He is alleged to have been beaten, on some occasions five times a day.

160. **André Luiz Oliveira da Silva**, an Air Force sergeant, was reportedly beaten during arrest on 3 March 1999 in Rio de Janeiro and taken to the 3rd Command of BINFA, where he was kept for 22 days. Due to his heart problems, he reportedly experienced chest pains, but was denied medical treatment and water. An inquiry is said to have been opened by the Public Prosecutor for the Military.

161. **Marcos José de Sales Cantuária** was reportedly beaten for four days in July 2000, after he allegedly failed to perform some military exercises in Serra da Mendanha, on the west side of Rio de Janeiro, as part of a group of recruits of the parachute brigade of the army.

162. **Jessé Correia de Oliveira Filho** was reportedly summoned to appear at a police station in the city of Cordeiro, State of São Paulo, on 27 January 1999, and questioned about a homicide. A few days later he was arrested in the street, brought to the same police station, stripped naked and had a bag placed over his head by four officers to make him dictate a confession which he reportedly did. He was allegedly released on the same day. He reportedly brought a complaint against the police and a few days later he was shot dead in the street by a hooded man, in front of **his sister**, who was later threatened by policemen. Although an investigation has reportedly been opened, the policemen accused of torturing him have been transferred to the civil police headquarters.

163. **Márcio Celestino da Silva** was reportedly arrested by police in June 1999 in the Sapopemba district of São Paulo, and regularly beaten and subjected to electric shocks in detention, allegedly because he had witnessed a double killing on 31 March 1999, allegedly committed by the police. Upon his release, he and the lawyer of one of the dead persons, **Valdênia Aparecida Paulino** (f), were reportedly threatened.

164. **Wander Cosme Carvalneiro** was reportedly arrested by civil police officers on 1 February 2001 in São Paulo, taken to the *Departamento de Investigacões sobre Crimes Patrimoniais* (DEPATRI) and later transferred to another police station, where he was allegedly blindfolded, gagged and hung on the parrot's perch (*pau de arara*). He was reportedly beaten with truncheons, kicked and punched, and given electro-shock treatment, including to his genitals, for several hours. He was allegedly twice taken to the Forensic Medical Unit (IML) of the largest hospital in São Paulo, accompanied by the officers concerned, was not examined and was asked by a doctor: "did you get beaten up, you crook?". He was reportedly detained incommunicado until 7 February 2001, despite efforts by his family to gain access. On 4 March 2001, he was finally able to meet his family and his lawyer at the Belém II provisional detention centre. The civil police internal investigations unit (*corregedoria*) reportedly opened an investigation.

165. **Leandro Antonio França**, aged 17, was reportedly beaten up and sprayed on his eyes by military police officers on 13 February 2001 in Limeira, State of São Paulo. An investigation has reportedly been opened.

166. **Antonio Marcos Joaquim** was reportedly arrested in November 1999 and taken to the 58th police station, in São Paulo, where he is believed to have been beaten by civil police officers on his arrival. He was then allegedly moved to DACAR 2, a pre-trial detention centre, where he was held in solitary confinement in a dark cell for two months. There, members of the Criminal Police reportedly interrogated him, gave him electric shocks, stamped on his genitals, and put a gun into his mouth. He was reportedly later transferred to the 56th police station, where he was held for 10 months before being transferred to the Belém pre-trial detention centre (*Centro de Detenção Provisoria de Belém* - CDP), on 9 November 2000, where he allegedly received no medical attention.

167. **Detainees at the pre-trial detention centre of Sorocaba**, in the State of São Paulo, were allegedly forced by members of the São Paulo civil police on 28 July 2000 to walk through two rows of policemen and prison guards who beat them with sticks, broom handles and electric cables (*corredor polonês*). Sixteen prisoners reportedly suffered severe injuries. Public prosecutors are said to have brought charges under the Torture Law. A number of alleged victims reportedly withdrew earlier testimonies after civil police officers who had been temporarily transferred were transferred back to the pre-trial detention centre of Sorocaba. The officers reportedly alleged that the victims flagellated themselves. The internal investigating judge [*juiz corregedor*] is said to have provided testimony to the presiding judge, alleging that the torture incident did not take place.

168. **Marcos Silva Feitosa** and **Carlos Alberto Lima Ferreira** were reportedly approached by members of the military police on 11 September 2000 and accused of having been involved in an armed robbery in the State of São Paulo. The police officers reportedly produced a gun which they claimed to have found on one of the two men. It is alleged that the police officers then entered a nearby house, where they reportedly arrested a third man, **Juscelino Silveira Pinto**, accusing him of complicity in the crime. Following their arrest the men are reported to have been taken down a small side street, where they are alleged to have been beaten with truncheons and guns. The three men were reportedly then taken to the DEPATRI in São Paulo, where the victim of the alleged robbery is said to have been unable to identify them as having been the men who robbed him. They were informed by the police that as they had previous criminal records they could be detained anyway for illegal possession of a firearm. On 24 October, the three suspects were reportedly presented to a judge for the first time since their arrest. It is believed that they described to him the circumstances of their arrest, but the judge reportedly took no steps to initiate an investigation into their allegations. It is reported that a denunciation of the incident was later made to the internal investigations department of the São Paulo Military Police.

169. **Bruno César de Souza** was reportedly approached by five men, including a military policeman, on 26 November 2000 in Limeira, State of São Paulo, and taken by car to a place close to Morro Azul, where he is believed to have been beaten with clubs, punched, and subjected to Russian roulette. His nails were reportedly pulled out and he was set alight after being sprayed with gas oil. Some days later, he was allegedly threatened by the military policeman. A case has reportedly been opened against the five men. The officer is said to have been arrested.

170. **Detainees at the 85th police station, known as Vila Mirna**, in the State of São Paulo, are reportedly held in two overcrowded cells, without toilets, bedding or access to natural light and exercise. Medical attention and access to lawyers and families is believed to be limited. Detainees suffering from contagious illnesses, including tuberculosis, are reportedly not separated.

171. In particular, the Special Rapporteur has received information on the following cases: **Fernando Alves da Mota** is reported to be currently serving a two-year sentence and to be suffering from tuberculosis. Since arriving in Vila Mirna, he has allegedly not received any medical treatment. **Luiz Carlos Justino** is reported to be currently detained in Vila Mirna pending trial. Despite suffering from a bad cough, weight loss and various pains, he has allegedly received no medical attention. **José Olimpio Tomaz**, serving a six-year sentence at Vila Mirna, was reportedly severely beaten by police officers on one occasion. **Paulo Aparecido** is reported to be detained pending trial in Vila Mirna since January 2001. He is alleged to have a prosthesis in his left leg and to have difficulties walking. Due to the bad conditions of detention, he is said to be experiencing serious pain in his leg. **Natal da Silva**, who has been detained without trial since January 2001 in Vila Mirna, is said to have had a bullet located in his head since the time of his arrest. Despite serious difficulties seeing and hearing, he has reportedly received no medical attention. **Rogério Antônio da Silva**, detained at Vila Mirna, was reportedly injured on 21 June 2001 during a rebellion and had a cut on his left foot. The wound is said to have become infected. He is reported to have received no medical attention.

172. **Antoine Duarte Gonçalves** was reportedly transferred to Otto Alencar Hospital, in Milagres, State of Bahia, on 14 July 1999, because of a gunshot wound. There, he was reportedly beaten by a sergeant from Milagres, taken, still bleeding, to Amargosa police station and beaten the next day by another police officer. On 15 July 1999, he was reportedly transferred to Itaberaba police station where he was beaten again, then to Itaberaba Hospital, where a doctor suggested a transfer to Salvador de Bahia for treatment. He was taken back to the police station, then transferred to a police station in Seabra. On 16 July 1999, he was taken to Frei Beto Hospital in Seabra, then to the General State Hospital of Salvador. He is reported to have had his arm amputated because it had become infected and gangrenous.

173. **SWP**, a 10-year-old boy, was reportedly sentenced on 20 August 1998 to several days in the cells of a police station by the local judge of São Francisco do Sul, in the State of Santa Catarina. The police chief's protests were reportedly overruled by the judge. At the station, the boy was reportedly detained with adult offenders, who are said to have tied up the boy and led him around the police station like a dog, and to have sexually abused him. A formal complaint was allegedly made to the internal investigations department of the Santa Catarina Judiciary Office (*corregedoria*), including by the United Nations Children's Fund (UNICEF). The internal investigations department reportedly ruled that, given the boy's previous record, the judge had taken the proper course of action. Continued pressure by UNICEF to reopen the investigation against the judge has reportedly been hindered, especially since the boy has gone missing.

174. **Alexandre de Oliveira** was reportedly arrested by police in Bom Jardim, State of Minas Gerais, on 12 January 2001, charged with sexual abuse of his 19-month-old daughter. At the police station, he was allegedly beaten on the soles of his feet with a rod and given electric shocks. As a result, he reportedly signed a confession. The next day, he was transferred to the Andrelândia Penitentiary, where a guard reportedly informed all the other detainees that he had raped his baby. On 16 January 2001, his daughter was re-examined at Santa Casa Hospital, where another doctor reportedly stated that the girl had not been raped but was suffering from a malign tumour. Alexandre de Oliveira was allegedly released on the following day. Three police officers are reportedly under investigation for abuse of authority and three other officers for failing to prevent the abuse of authority.

175. By the same letter, the Special Rapporteur reminded the Government of a number of cases previously transmitted in 1997, 1998 and 1999 regarding which no reply had been received.

Urgent appeals

176. On 29 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the independence of judges and lawyers on behalf of three public prosecutors (*promotores*), **Roberto dos Campos Andrade**, **Gustavo dos Reis Gazzola** and **Thomas MohuyucoYabiku**, who were reportedly threatened with death for having brought charges against 26 police officers and prison guards accused of torturing prisoners at a public jail in Sorocaba, São Paulo State. Concern was also expressed over the safety of those prisoners who were said to continue to be ill-treated by the officers who have been charged by these prosecutors.

177. On 17 March 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **juvenile detainees** at the Foundation for the Well-Being of Minors (FEBEM) Franco da Rocha detention centre, who are said to be at risk of reprisals by guards (*monitores*) and police officers, following a riot on 11 March 2001. Twenty-one *monitores* and 12 juvenile detainees were reportedly injured during the riot, some of them severely. Two negotiators, **Father Julio Lancelotti** and **Ariel Castro**, were reportedly kicked and beaten by guards when they arrived at the Franco da Rocha detention centre, upon hearing that a warder had been killed. The authorities had allegedly invited them to negotiate with the rioters. The *monitores* are also said to have threatened three staff from the Office of the Public Prosecutor. One of the detention centre's directors allegedly told *monitores* that they would be able to take their revenge on the boys after the riot had been quelled.

178. On 3 August 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the independence of judges and lawyers concerning Decree No. 45/2000 of 28 December 2000, issued by the State Secretary for Public Security in Maranhão. Reportedly, the decree provides that all requests for information from the Forensic Medical Institute (*Instituto Medico-Legal*, IML) (except for those by the police) have to be approved in advance by the State Secretariat for Public Security. The IML performs medical examinations, inter alia of those who allege they have been subjected to torture by the police or other State agents. It has been reported that, despite the fact that the Office of the Public Prosecutor has filed a constitutional challenge of the decree's validity, the decree remains in force. It is feared that the effect of the decree may be that prosecutors will be hindered in collecting evidence of torture, and that the decree may thus effectively prevent the prosecution of abuses by the police.

Information provided by the Government in relation to the August/September 2000 fact-finding mission by the Special Rapporteur (see E/CN.4/2001/66/Add.2)

179. By letter dated 26 April 2001, the Government provided the Special Rapporteur with information relating to his report on his mission to Brazil. It recognized that the April 1997 law characterizing torture as a crime had not been enforced in a satisfactory way. In many cases since 1997, no criminal indictment had been issued in response to allegations of torture, either because the Public Ministry had filed no complaint or because the judges had changed the nature of the complaint to one involving less serious crimes, such as bodily harm or abuse of authority. Torture was not understood to be a serious crime, perhaps because torture affected underprivileged segments of society almost exclusively. In response, the Federal Government had launched a national campaign against torture in May 2001, to mobilize the legislature and judiciary as parties to a national pact against torture. A clearinghouse for complaints and denunciations was established with a toll-free number run by the National Human Rights Movement. Credible complaints would be referred to State/government agencies and non-governmental organizations, which would follow up on investigations and criminal proceedings. Meetings had been held to set up a standing commission to fight torture, including senior officials, jurists and specialists in the field of torture who will lend support to the national campaign, make suggestions to the Federal Government, follow up on denunciations of torture throughout Brazil and carry out on-site visits. Four regional training courses for members of the legal community would be held in 2001. The Secretariat of State for Human Rights would

encourage a debate on the National Justice Secretariat's 2001 Action Plan, with a view to alleviating overcrowding and improving the material conditions of places of detention. A special working group has been set up to examine the recommendations of the Special Rapporteur. The Government provided information regarding measures taken with respect to the recommendations made by the Special Rapporteur (see below in italics).

180. *(a) First and foremost, the top federal and State political leaders need to declare unambiguously that they will not tolerate torture or other ill-treatment by public officials, especially military and civil police, prison personnel and personnel of juvenile institutions. They need to take vigorous measures to make such declarations credible and make clear that the culture of impunity must end. In addition to giving effect to the subsequent recommendations, these measures should include unannounced visits by them to police stations, pre-trial detention facilities and penitentiaries known for the prevalence of such treatment. In particular, they should hold those in charge of places of detention at the time abuses are perpetrated personally responsible for the abuses. Such responsibility should include, but not be limited to, the practice obtaining in some localities, according to which the occurrence of abuses during their period of authority will adversely affect promotion prospects and indeed should involve removal from office, which removal should not consist merely of transfer to another institution.*

181. A declaration repudiating torture will be made by officials representing every level of the federal and State governments at the launch of the national campaign against torture, during which organizations will formally declare their accession to a national pact against torture establishing specific obligations for each of the participating organizations, such as dismissal of employees who have practised acts of torture, and visits to places of detention.

182. *(b) The abuse by the police of the power of arrest without judicial order in "flagrante delicto" cases to arrest any suspect should be brought to an immediate end.*

183. All police academies should include a course on human rights in their curriculum. In response to Commitment 12 of the National Public Safety Plan, the National Public Safety Fund has allocated approximately Cr$ 251 million for cooperation with Brazilian States, including for professional training courses for the police. A project sponsored by the National Secretariat of Public Security (SENASP), the International Committee of the Red Cross and the Embassy of the United Kingdom has already provided human rights training to 910 Brazilian policemen for a total cost of Cr$ 451,000. In 2001, 390 policemen are expected to be trained at an estimated cost of Cr$ 576,000.

184. *(c) Those legitimately arrested in flagrante delicto should not be held in police stations beyond the 24-hour period required for obtaining a judicial warrant of temporary detention. Overcrowding in remand prisons can be no justification for leaving detainees in the hands of the police (where, in any event, the conditions of overcrowding appear substantially to exceed even those in some of the most overcrowded prisons).*

185. The practice of holding people in police stations for periods longer than the 24 hours established by law is directly related to the problem of overcrowding in prisons. Some States are closing down detention facilities in police stations. The DEPATRI facilities in São Paulo were

deactivated on 18 January 2001, while police stations in Rio de Janeiro continue to be transformed into "*delegacias legais*". In São Paulo, prisoners awaiting trial are being transferred from police stations to temporary detention facilities (CDPs). Each CDP can hold 768 inmates. The primary purpose of the CDPs is to allow police jails to be deactivated. Thus far, detention facilities have been shut down in 15 police districts in the city of São Paulo.

186. *(d) Close family members of persons detained should be immediately informed of their relatives' detention and be given access to them. Measures should be taken to ensure that visitors to police lock-ups, provisional detention facilities and prisons are subjected to security checks that are respectful of their dignity.*

187. Brazilian law guarantees that family members of persons detained have a right to be informed. Procedures to be followed in searching family members of prisoners will be modified in order to respect the visitors' dignity. Installing metal detectors in detention facilities will enable the security checks to be changed.

188. *(e) Any person under arrest should be informed of his/her continuing right to consult privately with a lawyer at any time and to receive independent free legal advice where he/she cannot afford a private lawyer. No police officer shall at any time dissuade a person in detention from obtaining legal advice. A statement of detainees' rights, such as the Law on Penal Execution (LEP), should be readily available at all places of detention for consultation by detained persons and members of the public.*

189. The right to consult an attorney is guaranteed by law and should be reiterated in training courses for *delegados*, police officers and prison officials. Public defenders' offices at the federal and State levels should be reinforced by hiring additional lawyers. A primer on the rights and duties of imprisoned people will be prepared as part of the national campaign against torture, which will "translate" pertinent legal provisions into simpler language and should be handed to each person at the time of his or her detention, and copies should be made available to family members, throughout Brazil.

190. *(f) A separate custody record should be opened for any person under arrest, showing the time and reasons for arrest, the identity of the arresting officers, the time and reasons for any subsequent transfers, in particular to court or a forensic medical institute, and the time a person is released from detention or transferred to a remand detention facility. The record or a copy of the record should accompany a detained person if he or she is transferred to another police station or a provisional detention facility.*

191. The National Secretariat of Justice has included the creation of the Computerized Penitentiary System Program in its Action Plan for the year 2001, which will contain detailed information on the detention system and an individual file on each prisoner. Monitoring will continue from arrest to transfer to the prison system and will cover all internal transfers within a prison, including data regarding occasions on which prisoners are taken for medical examinations or to court.

192. *(g) The judicial provisional detention order should never be implemented in a police station.* See comments regarding recommendation (c).

193. *(h) No statement or confession made by a person deprived of liberty, other than one made in the presence of a judge or a lawyer, should have probative value in court, except as evidence against those who are accused of having obtained the confession by unlawful means. The Government is invited to give urgent consideration to introducing video and audiotaping of proceedings in police interrogation rooms.*

194. The Government indicated that the Special Rapporteur's recommendation will be submitted to the commission of jurists charged with revising the Penal Code for their consideration. The possibility of instituting a pilot project to install interrogation room video equipment in metropolitan regions is currently being studied.

195. *(i) Where allegations of torture or other forms of ill-treatment are raised by a defendant during trial, the burden of proof should shift to the prosecution to prove beyond reasonable doubt that the confession was not obtained by unlawful means, including torture or similar ill-treatment.*

196. The Government indicated that the Special Rapporteur's recommendation will be sent to the commission in charge of revising the Code of Penal Procedures.

197. *(j) Complaints of ill-treatment, whether made to the police or other service itself or the internal affairs department of the service (corregedor) or its ombudsman (ouvidor) or a prosecutor, should be expeditiously and diligently investigated. In particular, the outcome should not be dependent only on proof in the individual case; patterns of abuse should be similarly investigated. Unless the allegation is manifestly ill founded, those involved should be suspended from their duties pending the outcome of the investigation and any subsequent legal or disciplinary proceedings. Where a specific allegation or a pattern of acts of torture or similar ill-treatment is demonstrated, the personnel involved, including those in charge of the institution, should be peremptorily dismissed. This will involve radical purging of some services. A start could be made by purging known torturers from the period of the military Government.*

198. Every organization participating in the national campaign will have to commit to making more vigorous efforts when investigating illegal acts and firing employees involved in acts of torture. Police Internal Affairs (*Corregedoria*) and Ombudsmen's offices (*Ouvidoria*) will be strengthened.

199. *(k) All States should implement witness protection programmes along the lines established by the PROVITA programme for witnesses to incidents of violence by public officials, which ought to extend fully to cover persons with a previous criminal record. In cases where current inmates are at risk, they ought to be transferred to another detention facility where special measures for their security should be taken.*

200. The Secretariat of State for Human Rights has established the National System to Assist Threatened Victims and Witnesses, as part of the federal service to protect State-level services (12 States have participated thus far). In 2000, it was responsible for providing protection to 328 people. The Government of Brazil has budgeted 10 times as much money as was initially available in 2000 for the programme in 2001, which should permit its expansion to include six more States by mid-2002. The Service to Protect Special Deponents, coordinated by the Federal Police and designed to guarantee protection for defendants collaborating with the police and for witnesses not meeting the requirements of the National System, has been in place since June 2000. A key measure would be to transfer the prisoner to a different detention facility in another State or to federal police cells as long as they continue to be at risk.

201. *(l) Prosecutors should bring charges under the 1997 law against torture with the frequency dictated by the scope and gravity of the problem and request that judges enforce the law's provisions prohibiting bail of those charged. Attorneys-General, with the material support of gubernatorial and other relevant State authorities, should assign sufficient qualified and committed prosecutorial resources for the criminal investigation of torture and similar ill-treatment and for any appellate proceedings. In principle, the prosecutors in question should not be the same as those responsible for prosecuting ordinary criminality.*

202. The Secretariat of State for Human Rights will be providing sensitivity training to those in the legal community. The Public Ministry has denounced a growing number of acts of torture. Recent cases in Sorocaba, in the State of São Paulo, and in the States of Goiás and Minas Gerais, involved large numbers of police station chiefs (*delegados*) and of police officers indicted under Law 9455.

203. *(m) Investigations of police criminality should not be under the authority of the police themselves, in principle, but an independent body with its own investigative resources and personnel. As a minimum, the Office of the Public Prosecutor should have the authority to control and direct the investigation. It should also have unrestricted access to police stations.*

204. Bill of Law 9299/97, currently pending in Congress, seeks to change Law 9299/97, which grants jurisdiction over military police who have committed intentional crimes against life to the regular justice system, to include crimes of intentional bodily harm, as well as all crimes listed in laws passed after the enactment of the Penal Code. Another provision strengthens the role of the Public Ministry when following up on police inquiries.

205. *(n) Positive consideration at the federal and State levels should be given to the proposal to create the function of investigating judge, whose task would be to safeguard the rights of persons deprived of liberty.*

206. The Government indicated that the judges in charge of penal execution are also responsible for safeguarding the rights of persons condemned to deprivation of liberty. *Juízes de instrução* (examining magistrates or investigative judges) should oversee the rights of defendants until a sentence has been pronounced. During the police investigation phase, the judge into whose presence the defendant must be taken within the 24 hours stipulated by law is also responsible for monitoring the physical condition of the prisoner.

207. *(o) If for no other reason than to bring an end to chronic overcrowding in places of detention (a problem that building more detention places is unlikely to be able to solve), a programme of awareness-raising within the judiciary is imperative to ensure that this profession, at the heart of the rule of law and the guarantee of human rights, becomes as sensitive to the need to protect the rights of suspects, and indeed of convicted prisoners, as it evidently is to the need to repress criminality. In particular, the judiciary should take some responsibility for the conditions and treatment which befall those they order to remain in pre-trial detention or sentence to terms of imprisonment. When dealing with ordinary criminality, they should also be reluctant, when alternative charges are available, to proceed with charges that prevent the grant of bail, rule out alternative sentences, require closed-regime custody and limit progression of sentences.*

208. In 2000, the National Public Safety Fund allocated approximately Cr$ 102 million to build and refurbish detention facilities.

209. *(p) For the same reason, the law on heinous crimes and other relevant legislation should be amended to ensure that often-long periods of detention or imprisonment are not imposable for relatively low-level criminality. The crime of "disrespecting authority" (desacatar funcionário público no exercício de sua função) (article 331 of the Penal Code) should be abolished.*

210. More precise criteria will be used when deciding if an illicit act is one of the crimes listed in the Law on Heinous Crimes. Persons arrested for carrying small amounts of narcotic drugs should be indicted under article 16 of the Law on Toxic Substances (Law 6368/76) and not under article 12 of the same law, which characterizes the behaviour in question as a heinous crime, requiring that the entire sentence be served under a closed-door regime. According to the Government, abolishing the crime of disrespect for authority is a problematic issue, since this legal provision is the only way in which representatives of the Government can defend themselves during the legitimate exercise of their responsibilities against reprehensible attitudes on the part of individuals.

211. *(q) There should be enough public defenders to ensure that legal advice and protection are available for every person deprived of liberty from the moment of arrest.*

212. The Federal Public Defenders Office is planning to increase its staffing levels. The Secretariat of State for Human Rights will fight to promote the creation of State Public Defenders Offices in every State in Brazil, with enough resources to allow them to discharge their duties efficiently.

213. *(r) Greater use should be made of and the necessary resources provided for such institutions as community councils, State councils on human rights and police and prison ombudsmen. In particular, fully resourced community councils, which include representatives of civil society, notably human rights non-governmental organizations, with unrestricted access to all places of detention and the power to collect evidence of official wrongdoing, should be established in each State.*

214. The Secretariat of State for Human Rights has fostered the creation of State-level human rights councils and programmes, together with police ombudsmen's offices. Specific action will be taken by the National Secretary of Justice to strengthen the role of the National Penitentiary Council and of community councils, particularly with regard to unannounced visits to places of detention.

215. *(s) The police should be unified under civilian authority and civilian justice. Pending this, Congress should approve the draft law submitted by the federal Government to transfer to the ordinary courts jurisdiction over manslaughter, causing bodily harm and other crimes, including torture, committed by the military police.*

216. The National Forum of Police Ombudsmen has presented proposals requesting the unification of the two police forces to the Presidents of the Chamber of Deputies and the Senate. A proposed constitutional amendment, 29/2000, foresees that only judges from the regular justice system would be allowed to judge cases of crimes committed by military personnel against civilians.

217. *(t) Police stations (delegacias) should be transformed into institutions offering a public service. The "clean police stations" (delegacias legais) being pioneered in the State of Rio de Janeiro are a model to be emulated.*

218. There are several cases among Brazil's states in which police stations have been transformed into institutions that actually provide public services. In Rio de Janeiro, the state government has expanded the *delegacia legal* programme. Currently, there are 14 *delegacias legais*, which should total 80 by the end of 2001 and should replace all police stations in this state by late 2002.

219. *(u) A qualified medical professional (a doctor of choice, where possible) should be available to examine every person on being brought to and on leaving a place of detention. He/she should also have the necessary medicines to meet the detainees' medical needs and the authority to have the detainees transferred to a hospital independent of the detaining authority if those needs cannot be met. Access to the medical profession should not be dependent on the personnel of the detaining authority. Professionals working in institutions of deprivation of liberty should not be under the authority of the institution, nor the political authority responsible for it.*

220. The National Secretariats for Justice and Public Safety intend to sign agreements with medical and dentistry schools, in order to ensure that prisoners will receive proper treatment. A discussion is needed to determine ways in which to guarantee a prisoner's right to be taken to receive medical attention without leaving that decision to *delegados*, prison directors, police officers or prison guards.

221. *(v) The forensic medical services should be under judicial or other independent authority, not under the same governmental authority as the police; nor should they have a monopoly of expert forensic evidence for judicial purposes.*

222. The Government indicated that the Bill of Law suggested by the National Forum of Police Ombudsmen on the unification of police forces would require that forensic specialists be full career staff members of the judiciary.

223. *(w) The appalling overcrowding in some provisional detention facilities and prisons needs to be brought to an immediate end, if necessary by executive action, for example by exercising clemency in respect of certain categories of prisoners, such as first-time non-violent offenders or suspected offenders. The law requiring separation of categories of prisoner should be implemented.*

224. The National Secretariat of Justice has set up a programme to expand significantly the use of alternative sentencing, so that only those sentenced to four years of imprisonment or longer will be sent to penitentiaries. Seven states are already paying for state centres to provide support for and monitoring of alternative sentencing (as part of a project initiated in September 2000), under an agreement signed with an additional 15 States. Every state in Brazil is expected to have one of these centres by late June 2001. Special courts for drug addicts (Drug Courts) designed to keep people out of jail if they have committed minor crimes that are directly, or indirectly, related to drugs are being created. Instead such people would receive medical or psychological treatment. Under Brazilian law, persons receiving such sentences may benefit from amnesties, clemency or pardons; in practice, they have been granted pardons, particularly at Christmas time. Separation of prisoners by categories, as required by the Law on Penal Execution, merits priority attention by the National Secretariat of Justice's Action Plan for 2001.

225. *(x) There needs to be a permanent monitoring presence in every such institution and in places of detention of juveniles, independent of the authority responsible for the institution. The presence would in many places require independent security protection.*

226. The National Council on the Rights of Children and Adolescents (CONANDA), which should monitor and follow up denunciations of torture in juvenile detention centres, has held meetings in a number of states to touch upon specific problems involving institutions such as FEBEM in São Paulo. As to adults, the National Secretariat of Justice will be signing agreements with the Brazilian Bar Association (OAB) and non-governmental organizations, with a view to establishing an independent monitoring system linked to community councils.

227. *(y) Basic and refresher training for police, detention personnel, public prosecutors and others involved in law enforcement that would include human and constitutional rights subjects, as well as scientific techniques and other best practices for the professional discharge of their functions, needs to be provided urgently. The United Nations Development Programme's human security programme could have a substantial contribution to make here.*

228. See the comments made above by the Government.

229. *(z) The proposed constitutional amendment that would under certain circumstances permit the federal Government to seek Appeal Court authorization to assume jurisdiction over crimes involving violation of internationally recognized human rights should be adopted. The federal prosecutorial authorities will need substantially increased resources for them to be able effectively to discharge the new responsibility.*

230. The Secretariat of State for Human Rights has included the proposal that the Constitution be amended to federalize human rights crimes on its list of priority actions to be taken by the legislative branch.

231. *(aa) Federal funding of police and penal establishments should take account of the existence or otherwise of structures to guarantee respect for the rights of those detained. Federal funding to implement the previous recommendations should be available. In particular, the law on fiscal responsibility should not be an obstacle to giving effect to these recommendations.*

232. The Secretariat of State for Human Rights has established that states must first fulfil certain conditions relating to the promotion and protection of human rights before budget disbursements can be used in project implementation.

233. *(bb) The Government should give serious and positive consideration to accepting the right of individual petition to the Committee against Torture, by making the declaration envisaged under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.*

234. The Government of Brazil is currently examining this issue and will respond to the Special Rapporteur's suggestion in due time.

235. *(cc) The Government is also urged to consider inviting the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit the country.*

236. The Government informed the Special Rapporteur that it had extended an invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions to visit Brazil.

237. *(dd) The United Nations Voluntary Fund for the Victims of Torture is invited to consider sympathetically requests for assistance by non-governmental organizations working for the medical needs of persons who have been tortured and for the legal redress of their grievances.*

238. The Government indicated that Brazil contributed money to the fund in 1985, 1986, 1988, 1992 and 1997, and plans to remedy its situation with regard to the contributions announced for 1995, 1996 and 1998, and will consider making a new contribution.

239. By letter dated 1 December 2001, the Government informed the Special Rapporteur that the national campaign against torture had been recently launched. A national telephone service to receive complaints of torture had been established, consisting of 20 monitoring units

throughout the country operated by the National Movement for Human Rights. The service was open to take free calls from 9 a.m. until 6 p.m. every day. The identity of the complainant was confidential and the complainants would be given an identification number in order to be able to check the progress of the investigation. The launching of the campaign was widely publicized in the media and booklets have been distributed to the legal profession, judges, the police and members of civil society at large in order to raise awareness of the issue.

Bulgaria

Urgent appeals

240. On 12 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **97 mentally disabled women** who were being accommodated at the Sanadinovo Social Home for Mentally Disabled Women, a State-owned institution, in conditions that were said to amount to cruel, inhuman and degrading treatment. Twenty of the most severely disabled women were reportedly housed in a two-room, single-storey building, separated from the rest of the facility by a high wire fence. Several women with amputated limbs or other physical disabilities have allegedly to move about without any help from the staff. The building facilities were reportedly appallingly filthy, smelly and unhygienic, with urine and faeces on the floor and under the beds. Legal proceedings were said not to have been followed in the case of most of the women held in this public institution, who were believed not to be in a position to accept their placement in such an institution because of their mental condition. During a recent visit by a delegation of non-governmental organizations, six women were reportedly held in an outside cage measuring roughly three metres by one and a half, with two brick walls and two made of iron bars and wire, allegedly because they were “violent and destructive”. It was feared that as a remedial measure these women would be simply transferred to another institution of the same kind, whereas they should actually be transferred to an institution where their accommodation conditions would be appropriate to their state of health and where they would receive appropriate medical and rehabilitation treatments.

Burundi

241. Par une lettre datée du 10 août 2001 envoyée conjointement avec le Rapporteur spécial sur la situation des droits de l’homme au Burundi, le Rapporteur spécial a informé le Gouvernement qu’il avait reçu des renseignements selon lesquels les conditions de détention dans les cachots communaux, les cellules des brigades de gendarmerie, les centres de détention militaires et les prisons seraient cruelles, inhumaines et dégradantes. La surpopulation et les conditions d’hygiène seraient en particulier responsables de ces mauvaises conditions, qui seraient encore plus déplorables dans les cachots communaux, les cellules de la gendarmerie ou les cellules des centres de détention militaires. Ces lieux resteraient de plus difficilement accessibles par les organisations non gouvernementales. Plus de 9 000 personnes seraient à l’heure actuelle détenues dans les 11 prisons centrales, qui auraient été initialement prévues pour détenir 3 500 prisonniers. Seules les statistiques concernant la population carcérale dans les 11 prisons centrales seraient disponibles. Les soins médicaux seraient pratiquement inexistants, la nourriture insuffisante et l’eau potable rare. Les prisonniers dépendent en grande

partie de la nourriture reçue de leur famille pour leur survie. Les conditions de détention dans les prisons centrales se seraient toutefois améliorées durant l'année 2000 grâce aux efforts de l'Association burundaise pour la défense des droits des prisonniers (ABDP) et l'ITEKA, la Ligue burundaise des droits de l'homme, ainsi que le Comité international de la Croix-Rouge, en coopération avec les autorités publiques. Le taux de mortalité dans les prisons aurait par conséquent grandement diminué. Les Rapporteurs spéciaux ont reçu des renseignements selon lesquels un grand nombre de personnes, en particulier accusées de participation au génocide de 1993 ou de participation aux groupes armés d'opposition seraient détenues en préventive dans ces mauvaises conditions pendant des années. On estimerait que près des deux tiers de la population carcérale n'auraient pas encore été jugés.

242. De plus, les Rapporteurs spéciaux ont transmis au Gouvernement des renseignements sur les cas individuels suivants.

243. **Mertus Habonimana, Rémy Habonimana** et **Pascal Ndikumana** auraient été arrêtés le 18 décembre 2000. Ils auraient été frappés sur la plante des pieds dans le camp militaire de Kamenge, connu sous le nom de SOCARTI. Leur arrestation serait due au fait qu'une lettre de soutien aux Forces nationales pour la libération (FNL) aurait été trouvée sur Mertus Habonimana. Après l'intervention d'organisations de défense des droits de l'homme, ycompris une organisation gouvernementale, Rémy Habonimana aurait été relâché, alors que les deux autres étaient transférés dans un lieu de détention officiel. Quatre jours plus tard, ils auraient été relâchés.

244. **Dominique Bedetse, Pie Ndayizeye, Léonidas Birigusa** et **Frédéric Nahindazi** auraient été arrêtés le 27 janvier 2000 et détenus jusqu'au 4 avril à la brigade de Ijenda, Bujumbura, date à laquelle ils auraient été transférés à la prison centrale de Mpimba. Ils auraient été accusés d'avoir participé à un meurtre et auraient été torturés. Suite aux mauvais traitements auxquels il aurait été soumis, Frédéric Nahindazi aurait dû être hospitalisé peu après son transfert en prison.

245. **Evariste, Balthazar et deux autres personnes** auraient été accusés à la fin du mois de novembre 2000 d'avoir volé des vaches dans la propriété appartenant au Ministre de l'énergie et des mines dans la province de Makamba. Ils auraient été frappés sur le dos, la plante des pieds, les genoux et les coudes alors qu'ils étaient interrogés à la brigade de Mabanda. Evariste aurait été frappé avec un large morceau de bois et aurait été fouetté sur le dos. Balthazar aurait été frappé sur les coudes et les genoux et sur la plante des pieds.

246. **Diomède Buyoya** serait décédé des suites des tortures qu'il aurait subies à la Brigade spéciale de recherche (BSR) le 13 février 2000. Il aurait été frappé à mort par un enquêteur de la BSR dont la femme aurait été insultée par Diomède Buyoya, qui était son employé. Grâce aux efforts de l'Association burundaise pour la défense des droits de l'homme, l'enquêteur responsable aurait finalement été arrêté et détenu à la prison centrale de Mpimba, Bujumbura. Toutes les charges contre lui auraient néanmoins été abandonnées un mois plus tard sur ordre du Bureau du procureur militaire.

247. **Abdallah Kamana** aurait été arrêté en avril 2000 par le commandant militaire de Bunyerere, commune de Gisagara, province de Cankuzo. Il aurait été soupçonné d'avoir participé à un vol à main armée. Il aurait été violemment frappé dans le but de lui extraire des aveux, alors qu'il se serait trouvé en Tanzanie au moment des faits. Il aurait été finalement transféré au chef de zone pour que ce dernier le détienne. Il serait décédé des suites de ses blessures sur le chemin le menant au cachot communal.

248. **Guido Niyungeko** serait décédé des suites de sérieuses blessures à la tête et sur d'autres parties de son corps à la BSR le 27 juin 2000. Il aurait été arrêté le 24 juin et accusé d'avoir volé des vêtements. Il aurait d'abord été détenu dans les cellules de la SOGEMAC. Il aurait été frappé violemment entre le 24 et le 27 juin. Le commandant de la BSR nie toute allégation de torture à la BSR, mais reconnaît que Guido Niyungeko aurait été amené mourant à la BSR. Le Procureur de la République aurait ordonné au procureur du district de Bujumbura d'arrêter l'agent supposé responsable. Selon les informations reçues fin mars 2001, ce dernier n'aurait toujours pas été arrêté.

249. **Ildégonde Manirakiza, Sabine Ndayisimbiye, Fitinia Barumbanzi, Jeanette Ndayisenga, Eliane Bukuru**, et **Valérie Bukuru** seraient accusées de participation à des groupes armés d'opposition sur la base du fait qu'elles auraient fourni de la nourriture à des membres de ces groupes. Elles auraient été arrêtées entre mars 1997 et novembre 1999 et toutes auraient été torturées lors de leur détention dans des postes de police ou de gendarmerie. En particulier, elles auraient été fouettées avec des câbles électriques et auraient été forcées de s'agenouiller sur des morceaux de verre brisés. Valérie Bukuru (arrêtée en mars 1997) aurait été forcée de se coucher à terre avant d'être frappée sur les hanches, les pieds et les épaules à la brigade de la gendarmerie du lac de Nyanza. Eliane Bukuru (arrêtée en mai 1998) aurait été maltraitée à la brigade de la gendarmerie de Buyengero, province de Bururi.

250. **Pascasie Barahemana**, une veuve âgée de 70 ans, aurait été accusée d'avoir fourni de la nourriture à des membres de groupes armés d'opposition. Elle aurait été violemment battue sur les bras et les jambes alors qu'elle était détenue au poste de police de Rumonge au début de l'année 1997. Elle aurait été condamnée à 10 ans de prison en janvier 2000 et elle n'aurait pas eu droit à un avocat.

251. **Lévy Rukundo** aurait été arrêté à son école par le commandant de la BSR le 28 novembre 1999. Il aurait ensuite été détenu dans plusieurs casernes militaires de manière à empêcher l'identification du lieu de sa détention. Il aurait été frappé avec la crosse d'une arme alors qu'il était conduit à la BSR. À la police spéciale de roulage, il aurait été frappé et aurait reçu des coups de pied. Au camp de Buyenzi, il aurait été privé de nourriture pendant les quatre jours précédant son interrogatoire au camp de Ngagara, où il aurait reçu des coups de pied et de poing alors qu'il était interrogé. Il aurait aussi reçu des chocs électriques sur les doigts et les coudes. Il n'aurait été transféré à la BSR que deux mois après son arrestation. Il aurait été détenu pendant deux mois à la BSR avant d'être finalement transféré à la prison centrale de Mpimba.

252. **Canésisus Barakamfitiye**, un membre de la documentation nationale, aurait été arrêté le 2 décembre 1999 par ses collègues et aurait été détenu dans les casernes militaires de Ngagara, Bujumbura. Il aurait été frappé, en particulier sur la tête, avec un morceau de bois les trois jours précédant son interrogatoire pendant lequel il aurait été obligé d'avouer avoir contribué financièrement aux FNL. Depuis lors, il aurait rétracté ses aveux.

Appels urgents

253. Le 23 janvier 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Bernard Barayegeranije**, son frère, **Barnabé Barayegeranije, Simon Nani, Tite Mpawnimana, Ndajige, Rémégie Ntuyahaga, Seraphine Nduwimana** aussi connue sous le patronyme de "Mama Sonia", "**Mama Richard" Niyikundana** et **Nathanael Bisesere**. Ils seraient soupçonnés d'avoir participé à l'attaque d'un avion de la compagnie Sabena en approche sur l'aéroport de Bujumbura le 4 décembre 2000. Selon les autorités gouvernementales, l'attaque serait due à un groupe d'opposition armé, les FNL. Ils seraient détenus au secret dans trois lieux différents à Bujumbura. Ils seraient privés de nourriture puisque les autorités policières ne leur fourniraient aucun moyen de subsistance. Étant donné qu'ils sont détenus au secret, des craintes ont été exprimées qu'ils ne soient torturés ou soumis à des mauvais traitements.

254. Le 30 mars 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Paul Nsanzurwimo** et **Emile Masabo,** qui auraient été arrêtés par des militaires le 16 mars 2001 à Kirukura, Maramvya, après avoir été détenus dans un poste militaire à Mubone, Bujumbura, où ils auraient été battus. Ils auraient aussi été informés de leur exécution imminente. Ils auraient été ensuite détenus au secret dans un poste militaire dans la province de Cibitoke et seraient accusés d'appartenir à un groupe d'opposition armé.

255. Le 6 avril 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Léonidas Ntakahutimana**, âgé de 16 ans, **Matheso** et **Vincent Hasavyumutima** qui seraient détenus au secret au siège du groupement d'intervention, accusés d'avoir soutenu les FNL.

256. Par des lettres datées du 23 mai 2001 et 1er juin 2001, le Gouvernement a indiqué que seul Léonidas Ntakahutimana, âgé de 21 ans, était détenu au groupement d'intervention et a confirmé qu'il avait été appréhendé pour avoir collaboré avec les FNL. Le Gouvernement fournit de nombreux détails quant aux circonstances de son arrestation. D'après la déclaration que Léonidas Ntakahutimana a faite au Président de la Commission gouvernementale des droits de la personne humaine en présence d'un observateur de la mission d'observation du Haut-Commissariat aux droits de l'homme à Bujumbura, ce dernier n'a pas été maltraité à Citiboke, mais aurait été traité sans ménagement lorsqu'il quitta Maramvya. Il a été relâché le 28 mars 2001. Son beau-frère, arrêté dans les mêmes circonstances, n'a été libéré qu'en avril 2001 et a affirmé n'avoir fait l'objet d'aucun mauvais traitement. Quant aux allégations de détention au secret, le Gouvernement a indiqué que la Commission gouvernementale ainsi que l'Association de défense des droits des prisonniers, une organisation non gouvernementale locale, avaient été tenues au courant de leur lieu de détention et avaient suivi leur dossier.

257. Le 9 avril 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires et le Rapporteur spécial sur la situation des droits de l'homme au Burundi en faveur de **Mategna**, qui aurait été arrêté le 18 mars 2001 par des soldats à Maramvya qui l'auraient accusé d'appartenir aux FNL.

258. Le 21 juin 2001, le Rapporteur spécial a envoyé un appel urgent conjoint avec le Rapporteur spécial sur la situation des droits de l'homme au Burundi en faveur de **Salvator Ndamuhawenimana**, âgé de 14 ans, et son frère aîné, **Juvénal Ndayisenga**. Salvator Ndamuhawenimana aurait été arrêté le 15 juin 2001 par des militaires du poste de Kanga dans le quartier de Kinama à Bujumbura. Il serait soupçonné d'appartenir à un groupe d'opposition armé, les FNL. Il aurait été emmené au poste militaire de Ruziba, dans la commune de Mutimbuzi, où il aurait été battu. Le 20 juin, son frère Juvénal Ndayisenga se serait rendu au poste militaire pour lui apporter de la nourriture. Il aurait alors été arrêté par le commandant militaire, qui aurait vérifié son origine sur sa carte d'identité. Tous les deux auraient été arrêtés parce qu'originaires de Tenga dans la commune de Mutimbuzi, dans la province de Bujumbura rural, qui serait une des zones sous le contrôle des FNL.

259. Le 10 juillet 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la situation des droits de l'homme au Burundi en faveur de **Salvator Ndamuhawenimana** arrêté le 15 juin 2001 par des militaires du poste de Kanga dans le quartier de Kinama à Bujumbura. **Celestin Hatungimana** et **Olivier Nsabukungiza,** qui seraient soupçonnés d'appartenir aux FNL, auraient été arrêtés le même jour. Ils auraient été emmenés au groupement d'intervention du camp militaire de Muha, où ils auraient été soumis à des électrochocs durant leur interrogatoire. Ils auraient ensuite été transférés le 2 juillet 2001 à la brigade spéciale de recherche de Bujumbura, où Salvator Ndamuhawenimana serait également détenu. Le frère de Salvator Ndamuhawenimana, **Juvénal Ndayisenga,** aurait quant à lui été arrêté le 20 juin. Détenu au groupement d'intervention du camp militaire de Muha, il y aurait été torturé et aurait été libéré quelques jours plus tard.

Cameroon

260. Par une lettre datée du 19 août 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements supplémentaires sur les opérations militaires dans les villages du district d'Oku/Bui en mars 1997 (voir E/CN.4/2000/9/Add.2, annexe II, par. 33). En particulier, il a transmis des renseignements sur les cas individuels suivants.

261. **Hyacinth Njobara**, âgé de 34 ans, aurait été arrêté par des militaires le 29 mars 1997. Il aurait été frappé avec des ceinturons et aurait reçu des coups de pied au moment de son arrestation. Il aurait été conduit en compagnie d'autres personnes au centre médical d'Elak où il aurait été déshabillé avant d'être forcé de se rouler dans la boue. Il aurait ensuite reçu 30 coups et aurait été frappé sur la plante des pieds. Il aurait alors été conduit dans un autre endroit où il aurait été forcé de danser sur des bris de verre tout en chantant. Il aurait finalement été interrogé et aurait été forcé d'accepter les aveux qui avaient été préparés. Le lendemain, il aurait été transféré à Kumbo, puis à Bamenda. En route, il aurait été obligé de violer **Mary Yefon**. Le beau-frère de cette dernière aurait été aussi obligé de participer au viol. Il aurait été détenu pendant trois semaines dans les cellules de la gendarmerie de Bamenda, où il aurait été privé

d'eau et de nourriture. Il y aurait été frappé à plusieurs occasions. Le 31 mai 1997, il aurait été transféré enchaîné à d'autres détenus à Yaoundé dans un camion militaire. Il aurait été emmené au Secrétariat d'État à la défense, où un mandat de dépôt aurait été délivré. Il aurait ensuite été envoyé en prison. Il aurait été libéré le 6 octobre 1999. **Emmanuel Konsey** serait décédé des suites des mauvais traitements qu'il aurait reçus alors que détenu dans les cellules de la gendarmerie de Kumbo. **Samuel Tita** serait décédé dans les cellules de la gendarmerie de Bamenda après être resté paralysé pendant quelques jours. **Mathias Ngwei** serait aussi décédé dans les cellules de la gendarmerie de Bamenda.

262. **Thomas Keidze** aurait été arrêté le 7 octobre 1999 et aurait été conduit à Jakiri où il aurait été interrogé sur son appartenance au Southern Cameroon National Commission, et sur un vol d'explosifs. Durant l'interrogatoire, il aurait été soumis à la technique dite de la balançoire, qui consiste à attacher les pieds et les mains d'une personne à une barre en bois ou en fer, à suspendre cette barre, et à frapper la personne, en particulier sur la plante des pieds. Ce traitement aurait duré pendant deux mois, entre les cellules de Bamenda et de Jakiri. Le 30 juillet 1999, il aurait été emmené enchaîné à d'autres détenus à Yaoundé où il aurait été détenu à la prison centrale.

263. **Leo Tomlah** aurait été arrêté le 8 juin 1997. Il aurait été enchaîné avec d'autres personnes et emmené dans un camion militaire couché face contre terre à la gendarmerie de Jakiri, où il aurait été détenu pendant une journée durant laquelle il aurait été frappé avec une lance et des tubes en plastique sur les fesses, la plante des pieds et le dos. Il aurait été accusé d'avoir détruit le pont entre Ber et Foumban. Il n'aurait pas eu accès à des toilettes et aurait été privé d'eau pour se laver. Il aurait été remis en liberté le 6 octobre 1999.

264. **Matthew Titiahonjo** serait décédé le 14 septembre 2000 dans une cellule à Bafoussam. Il aurait été arrêté quelques mois auparavant à Ndop dans le cadre d'une enquête sur le vol d'une arme appartenant à un officier de police. Il aurait été battu pendant plusieurs semaines. Il aurait ensuite été transféré à Bafoussam. **Humhred Agyo Fongyi, Francis Chia Bunkwe, Lawrence Achikoh Akua, Gabriel Kehdinga, Evaristus Youpevoh, Eugene Tandah, Francis Ngong, Godfred Humbang** et **Elvis Wemba** auraient également été arrêtés et torturés en même temps que Matthew Titiahonjo. Ils auraient en particulier été battus sur la plante des pieds.

265. **John Tawani** aurait été arrêté le 28 mars 1997 à Mbengwi par un officier supérieur de police, des gendarmes et des policiers ainsi que des soldats. Lors de son arrestation, il aurait été frappé avec des pistolets et des planches. Il aurait ensuite été forcé de monter dans un véhicule et de s'y coucher face à terre alors que les soldats marchaient sur son dos. Il aurait été transféré à la brigade de Mbengwi où ce type de traitement se serait poursuivi, et ensuite à Bamenda, où des gendarmes l'auraient frappé avec des bâtons sur ses organes génitaux. Il aurait ensuite été emmené à Yaoundé, où il aurait été enchaîné.

266. **Antoine Ntamack Mbua** aurait été arrêté le 25 novembre 1998 et conduit à la brigade de recherche de la gendarmerie du littoral, Douala, où il aurait été soumis à de mauvais traitements durant six jours. Suite à une crise cardiaque, il aurait été hospitalisé le 29 novembre 1998 à l'hôpital de Laquintinie. Il aurait ensuite été transféré pieds et mains liés à la brigade de la

gendarmerie d'Edéa, où il aurait également subi des mauvais traitements durant trois jours, au bout desquels il aurait été conduit devant le parquet. Quelques mois plus tard, il aurait lui-même dénoncé les supposés responsables devant un tribunal.

267. **Lare Haoua** aurait été arrêtée pour trafic de stupéfiants au mois de mars 2000. Elle aurait été frappée par des éléments antigang du commissariat central avant d'être mise sous mandat de dépôt le 23 mars 2000. Elle aurait en particulier été frappée avec des bâtons en bois connus sous le nom de "mangossi".

268. **Bakary Sidi** serait décédé le 29 août 2000 à l'hôpital Laquintinie, suite aux blessures provoquées par des coups de feu tirés contre lui deux semaines auparavant par des membres du commandement opérationnel. Il aurait reçu des balles dans la joue droite, le bras et le mollet.

269. **Justice Frederick Ebong, Chief Ayamba** et **James Sam Sabum**, au sujet desquels le Rapporteur spécial a transmis un appel urgent conjoint avec le Président-Rapporteur du Groupe de travail sur la détention arbitraire le 21 janvier 2000 (voir E/CN.4/2001/66, par. 213), seraient maintenus depuis leur arrestation, le 9 janvier 2000, dans des conditions de détention dégradantes et inhumaines dans une cellule du Secrétariat d'État à la défense de Yaoundé. Ils seraient sans cesse harcelés et interrogés et seraient privés de leur droit de visite aussi bien de leurs avocats que de leurs familles. Ces trois personnes seraient forcées de se coucher à même le sol dans une cellule sans ventilation aucune et infestée de moustiques et autres insectes.

270. Par la même lettre, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas qu'il avait envoyés en 1998, au sujet desquels il n'avait pas reçu de réponse.

Appels urgents

271. Le 4 mai 2001, le Rapporteur spécial a envoyé un appel urgent conjoint avec la Représentante spéciale sur les défenseurs des droits de l'homme, le Président-Rapporteur du Groupe de travail sur la détention arbitraire et le Rapporteur spécial sur la liberté d'opinion et d'expression en faveur du **Professeur Sindjoun Pokam** et de **Djeukam Tchameni, Djimo Léandre, Peter William Mandio**, journaliste et directeur de publication du journal *Le Front indépendant*, et **Olivier Sande,** qui auraient été arrêtés sans mandat d'arrêt le 26 avril 2001 et seraient détenus au commissariat central de Douala. Ils partageraient une cellule de 16 m^2, n'auraient pas accès à des sanitaires et seraient obligés de dormir à même le sol. Selon les informations reçues, le professeur Sindjoun Pokam se serait blessé à la tête pendant son transfert au commissariat de police et n'aurait pas reçu de soins médicaux. Le professeur Sindjoun Pokam, Djeukam Tchameni, Djimo Léandre et Peter William Mandio sont membres du collectif national contre l'impunité, une organisation qui lutte pour que les personnes coupables de violations des droits de l'homme soient présentées devant la justice. Ils auraient été arrêtés alors qu'ils se rendaient à une réunion du collectif.

Suite donnée aux plaintes signalées dans des communications précédentes

272. Par une lettre datée du 4 juillet 2001, le Gouvernement a répondu à un appel urgent envoyé conjointement avec le Président-Rapporteur du Groupe de travail sur la détention arbitraire le 21 janvier 2000 en faveur de militants du Southern Cameroon National Council

(voir E/CN.4/2001/66, par. 213). Le Gouvernement a indiqué qu'un certain nombre de personnes avaient été arrêtées en relation avec les événements de Limbé et Buéa du 30 décembre 1999 et détenues dans les cellules de la gendarmerie nationale dans des conditions décentes. Ces personnes avaient été inculpées inter alia de constitution de bandes de malfrats armés, violence à fonctionnaires, usage illégal d'armes et tortures. La procédure appliquée en l'espèce a été celle de la loi de 1990 relative au maintien de l'ordre public, qui prévoit les modalités de la garde à vue (administrative) dans les cas de lutte contre le grand banditisme. Finalement, le Gouvernement a indiqué que les personnes interpellées avaient été mises en liberté provisoire le 19 mars 2001.

Canada

Urgent appeals

273. On 14 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Kassem Ahmad Mohyalden (Mouhyddine)** and **his 15-year-old son**, Yemeni citizens from the Sanata tribe, who were said to be at risk of imminent deportation to Yemen on that day. Kassem Ahmad Moyalden is said to have been Director of Military Training and Prisons in North Yemen in 1985. He is also reported to have been a member of the Popular Conference/General Congress of the Republic of North Yemen from 1985 and to have been elected its President in 1987. He reportedly spoke out against abuses in prison, human rights violations in the country and terrorist attacks against South Yemen. On several occasions, he was arrested and allegedly tortured. He reportedly left for the United States in 1991. His son, Ibrahim Kassem Mohyalden, was reportedly arrested in 1995 and died in detention in 1997. Another of his sons is said to still be in detention. In May 1997, Kassem Ahmed Mohyalden reportedly applied for political asylum in Canada. His claim was said to have been refused.

274. By letter of 21 June 2001, the Government replied that Kassem Abdul Mohyalden and his son had access to various forums for risk-assessment available in Canada; the refugee determination process; the opportunity of judicial review of refugee hearings; post-refugee determination assessments of risks; and the assessment of potential "irreparable harm" within the motion of a stay of removal by a judge of the Federal Court of Canada. They had failed to establish a serious possibility that they faced danger of the death penalty or torture upon return to Yemen, and were removed to Yemen on 14 May 2001. The Government had made no inquiries in Yemen concerning their circumstances as Canada did not draw the attention of foreign Governments to returning nationals who sought asylum.

Central African Republic

275. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur a informé le Gouvernement qu'il avait reçu des renseignements sur le cas individuel suivant.

276. **Abdoulaye Aboukary Tembeley**, journaliste et président du Mouvement de défense des droits de l'homme, en faveur duquel un appel urgent a été envoyé le 7 mai 2001 (voir ci-dessous), aurait finalement, sur ordre judiciaire, dû être transféré à la clinique de Bangui où il aurait reçu des soins médicaux dont il aurait dû assumer les frais. Il aurait ensuite été à nouveau détenu par la police.

Appels urgents

277. Le 7 mars 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec la Représentante spéciale sur les défenseurs des droits de l'homme et le Rapporteur spécial sur la liberté d'opinion et d'expression en faveur d'**Aboukary Tembeley**, président du Mouvement des droits de l'homme et directeur de publication du *Journal des droits de l'homme*, qui aurait été arrêté le 14 février 2001 à la suite de la publication dans son journal des résultats d'un sondage qu'il aurait effectué sur la démission du Président Patassé. Il aurait été battu pendant l'interrogatoire à la direction générale de la gendarmerie nationale et souffrirait de problèmes cardiaques.

278. Le 19 juin 2001, le Rapporteur a envoyé un appel urgent en faveur de **Jean-Pierre Gueret**. Il aurait été arrêté par des soldats le 12 juin 2001, alors qu'il venait d'arriver à la compagnie publique d'énergie (ENERCA) pour des raisons de travail. Il serait à présent détenu à Bangui, à la section d'enquête, de recherche et de documentation (SERD), qui serait sous contrôle de la garde présidentielle. Il serait accusé d'avoir mis une voiture de l'ENERCA ainsi que de l'essence à la disposition des soldats qui tentèrent un coup d'État contre le Président Ange-Félix Patassé le 28 mai 2001. Il aurait été violemment battu. Par le même appel urgent, le Rapporteur spécial est intervenu en faveur de **Maxime Koko**, un sergent sapeur-pompier de l'armée, qui aurait été détenu et violemment battu par ses collègues le 13 juin 2001 à La Kouanga, Bangui, avant d'être emmené vers une destination inconnue. Il serait aussi soupçonné d'avoir participé au coup d'État. Tous les deux seraient d'origine yakoma, c'est-à-dire du même groupe ethnique que le leader de la récente tentative de coup d'État, ce qui serait à l'origine de leur détention.

Chad

279. Par une lettre datée du 21 septembre 2001, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas transmis en 1997 et 1999 concernant lesquels il n'avait pas reçu de réponse.

Appels urgents

280. Le 16 octobre 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Hamam Gongong**, qui aurait été arrêté par la police à N'Djamena le 27 septembre 2001 soupçonné de vols. Il serait détenu au secret dans les cellules du peloton spécial d'intervention rapide de la gendarmerie. De plus, le sous-commandant de la gendarmerie de Gounou-Gaya, qui serait le frère du propriétaire du magasin où les vols auraient été commis, rendrait régulièrement visite à Hamam Gongong pour le menacer. Douze membres de la famille de Hamam Gongong auraient été arrêtés le 22 juillet, juste après que les vols mentionnés ci-dessus ont été commis. Ils auraient été détenus pendant 10 jours au poste de police avant d'être transférés à la prison de

Gounou-Gaya, et auraient finalement été relâchés grâce à l'intervention du Procureur général le 9 septembre sans avoir été inculpés. Pendant leur détention, les parents de Hamam Gongong, **Madame Zara** et **Monsieur Gongong**, auraient été frappés sur ordre du sous-commandant de la gendarmerie de Gounou-Gaya. Madame Zara aurait en plus été l'objet de sévices sexuels. Un bâton aurait en particulier été introduit dans son vagin et l'officier la torturant ainsi lui aurait dit: "Puisque tu donnes naissance à des voleurs, donne-moi en un autre". Le sous-commandant de la gendarmerie leur aurait aussi confisqué des biens, dont des têtes de bétail.

Chile

281. Con fecha 10 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

282. **Alfredo Alegría Saavedra**, **Wilson Pérez Melgarejo**, **Rufino Pérez Abayay** y una mujer encinta, **Ana Ayala Medina**, habrían sido detenidos por agentes de la Policía de Investigaciones en julio de 1996 y llevados a la comisaría No. 1 de Viña del Mar, Región V. Los nombrados, habrían sido mantenidos esposados y encadenados a una pared, con los ojos vendados. Asimismo, habrían sido privados de comida y agua durante tres días y no les habrían permitido usar los servicios sanitarios. Los detenidos habrían sido golpeados en la cara y en el estómago, los habrían torturado mediante la aplicación de corriente eléctrica en las sienes y, a los hombres, también en los órganos genitales. Posteriormente, Ana Ayala Medina habría sufrido un aborto espontáneo.

283. **Cristina Poblete Cerda** habría sido detenida por la Policía de Investigaciones en su domicilio en julio de 1996 y llevada a la comisaría No. 1 de Viña del Mar. En el momento de su detención habría sido abofeteada y tirada de los cabellos. A continuación, habría sido mantenida con los ojos vendados, torturada mediante la aplicación de corriente eléctrica y sometida a hostigamiento sexual. Más tarde, habría quedado en libertad sin cargos.

284. **Juan Aliste Vega, Óscar Cruces Espinoza, Carlos Gutiérrez Quiduleo, Carlos Playa Villaroel** y **Juan Tapia Olivares**, detenidos en la cárcel de alta seguridad de Santiago, habrían sido golpeados el 2 de enero de 1997 por funcionarios de la cárcel. Los hechos habrían ocurrido después de que, el 30 de diciembre de 1996, cuatro prisioneros miembros del Frente Patriótico Manuel Rodríguez (FPMR) se habrían fugado de la misma cárcel.

285. **Juan Coliñir** y sus hijos **Alberto Coliñir Painemil** y **Ruperto Coliñir Painemil**, **Bernardino Parra Mela** y su hijo **Manuel Parra Catrilaf**, y los hermanos **Aurelio Catrilaf Parra** y **Juan Catrilaf Parra**, mapuches y miembros de la comunidad de los Wenteche del Ayjarewe de Xuf Xuf, habrían sido brutalmente aprehendidos en sus domicilios en Kefkewenu (Quefquehuenu) por una decena de carabineros de una comisaría de Padre las Casas el 16 de diciembre de 1999. Alberto Coliñir habría recibido golpes de pies y manos además de otros objetos y habría sido sometido a la aplicación de una bolsa plástica en su cabeza con el fin de asfixiarlo. A continuación, los carabineros le habrían aplicado corriente eléctrica en los dedos, sujetándole maniatado en un poste. Alberto Coliñir habría perdido el conocimiento antes de ser interrogado una vez más, en medio de golpes y amenazas. En esta ocasión, también lo habrían desnudado y lo habrían golpeado violentamente en la rodilla.

286. **Urzula Rojas Villacura**, quien estaría cumpliendo su pena de reclusión nocturna en el centro femenino de la ciudad de Talca, habría gozado de plena libertad los fines de semana hasta el 8 de mayo de 2001, fecha en que habría denunciado a funcionarios de dicho centro penitenciario por el delito de abusos deshonestos. Al ingresar a la prisión el 6 de mayo de 2001, Urzula Rojas Villacura habría sido revisada en sus pertinencias y vestimentas por una gendarme, quien habría procedido exageradamente a su labor, manoseándola entre las piernas. El jefe de guardia habría estado presente pero no habría hecho nada para parar a la gendarme. En las semanas siguientes, Urzula Rojas Villacura habría sido obligada a desnudarse y se le habría tocado impúdicamente su zona genital. Los gendarmes también habrían abierto intencionalmente la puerta de la pieza de revisión donde se encontraría desnuda, con el supuesto propósito de permitir a los demás funcionarios observarla.

China

287. By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information according to which no presumption of innocence is incorporated in Chinese law, nor the right to remain silent, nor protection against self-incrimination. Evidence obtained through ill-treatment is said to be admissible in court and defendants are believed to have few means to expose ill-treatment by the police before or during trial, as judges are reported to have the power to limit arbitrarily a defendant's or defence lawyer's right to speak. Furthermore, a defendant who speaks out in court is said to open him/herself to retaliation by prison officials if he/she is convicted.

288. The 1996 revised Criminal Procedure Law (CPL) is said to repeat provisions in the 1979 law prohibiting the use of torture to extract statements, though not to exclude specifically the use as evidence in court of confessions, statements or additional evidence extracted as a result of torture. The Supreme People's Court's "Decision on specific issues in the implementation of the CPL" (effective 8 September 1998) is said to stipulate only that such statements: "61 ... cannot become the basis for determining a case". It is reported that evidence extracted under torture may still be used to supplement the major evidence used to determine a case, and that material evidence derived from such coerced statements would not be excluded. The three specific offences covering torture and other forms of ill-treatment in the 1997 revised Criminal Law, i.e., torture to coerce a confession, extortion of a testimony by violence, and ill-treatment of prisoners, are said to be applicable only to a limited range of officials in limited circumstances or locations. Article 247 of the revised Criminal Law, which is said to criminalize "torture to coerce a confession", reportedly provides that this crime is applicable to "judicial officers" who inflict such torture on a "criminal suspect" or "defendant". Punishment is said to range from detention for one to six months in a criminal detention centre, to three years' imprisonment. Where such acts cause injury, disability or death to the victim, heavier punishment shall reportedly be given, according to the provisions of articles 234 (intentional injury) and 232 (intentional homicide). Similarly, article 247, which also criminalizes the act of "extorting testimony by violence", is said to be applicable to "judicial officers" extorting testimony from "witnesses". "Violence" is said to be generally limited to direct physical violence. According to the information received, it is unclear whether "witnesses" cover all remaining relevant parties to an investigation and trial, including victims and experts. "Judicial officers" are said to be defined in article 94 of the Criminal Law as "persons who exercise the

functions of investigation, prosecution, adjudication and supervision or control". Prior to the revisions, a wider range of officials could reportedly be prosecuted for "torture to coerce a confession". Article 94 was said to apply to "State personnel" defined as "all personnel of State organs, enterprises and institutions and other personnel engaged in public service according to law" (1979 CL, arts. 136 and 83). Concerns have been expressed that this more restricted term may not apply to officers hired temporarily, or seconded from non-judicial departments to assist in criminal investigations. Furthermore, it is reported that academic opinions appear to indicate that only "judicial officers" with specific responsibilities for interrogation could be prosecuted for these crimes. Previous judicial interpretations are also said to have given de facto powers of interrogation to security divisions in non-judicial government departments, enterprises and organizations, and it is allegedly unclear whether such staff may now be prosecuted for these crimes. Furthermore, the use of the term "criminal suspect" or "defendant" in article 247 would appear to mean that these offences do not apply when the victim of torture is being detained outside the criminal process.

289. In addition, the procuratorate, which directly investigates and prosecutes torture and other offences committed by public officials, is believed to continue to set criteria for taking up cases which further limit the application of these offences. Under the 1999 Trial Rules, such cases should be filed for investigation only when the offences have involved one of the following: cruel methods or evil impact; they have resulted in suicide or mental disorder; they have caused unjust, false or erroneous cases; coerced confessions/extorted testimony by violence more than three times or against more than three people; or instigating, instructing or forcing others to coerce confessions/extract testimony by violence.

290. Sanctions applied for the police and procuratorate are believed to be insufficiently severe. Provisions for the procuratorate (25 May 1998) reportedly stipulate that the minimum sanction is a "demerit point", and that in cases where the "circumstances are serious or cause serious consequences" the disciplinary sanction may only be demotion. Under the 1995 Police Law, the minimum administrative sanction is said to be a warning and the most severe the expulsion of the person found responsible. Later regulations are believed to state that responsibility for "errors" (including for forcing confessions or testimony) will not be pursued, inter alia where judicial interpretations are inconsistent; where the police officer was carrying out an order from a superior; or where the police officer was handling a case according to regulations on cooperation with other units.

291. The Special Rapporteur also transmitted information on the following individual cases.

292. **Chimey Rinzin** was reportedly arrested in 1997 in lieu of his father, who had been evading arrest, and detained in Ngaba Prison, where he is believed to have been tortured in order to make him confess his father's whereabouts. As a result, he suffered from brain damage and died while in detention.

293. **Zhou Jiangxiong**, a farmer from Hunan province, was reportedly tortured to death in May 1998, when officials from a township birth control office allegedly tried to make him reveal the whereabouts of his wife, suspected of being pregnant. He was reportedly hung upside down, repeatedly whipped and beaten with wooden clubs, burned with cigarette butts, branded with irons and had his genitals ripped off.

294. **Quan Longyang**, a migrant worker who mistakenly entered a woman's cubicle in Chaoyang district, Beijing, was reportedly beaten up by the local mutual defence team on 30 October 1998. Their leader reportedly told the team to do what they liked. Quang Longyang was reportedly beaten severely on the head, kicked repeatedly and left handcuffed to a bicycle overnight in freezing temperatures. He was subsequently hospitalized for 35 days. He reportedly initiated an action for compensation.

295. **Weidong Zhong** and **Licheng Zhang**, both majors in the China Air Force, were reportedly beaten by their superiors, in particular by the director deputy of the third unit of China Seventh Pilot College on 6 and 7 August 1998, respectively. They were allegedly forced to strip and lie down on the floor before being beaten, punched, kicked, whipped and hit with a pipe.

296. **Chen Haibing**, who was reportedly suing the Chengtuo township government for illegal detention of his father over an economic dispute, was kidnapped by the township Communist party officials on 30 June 1999. During a recess in the court case, the township deputy party secretary and other officials reportedly pushed Chen into a van and transported him to a government building, where he was severely beaten. When the presiding judge tried to stop the abduction, he was reportedly told that it was not his business. Chen was allegedly released later in the day, unconscious, and with severe chest and back injuries.

297. **Guo Shaokun**, a former policeman, was reportedly sentenced to two years' imprisonment by Gulou District People's Court, Xuzhou City, Jiangsu Province for "disturbing public order" and "fraud" in March 1999. He had reportedly been detained immediately after issuing an open petition to the National People's Congress about the Feng county police force's violent suppression of a demonstration by villagers. Guo Shaokun is said to have distributed the letter to foreign media based in Beijing.

298. **Hada**, the Chairman of the Southern Mongolian Democratic Alliance, was reportedly arrested on 10 December 1995 after a peaceful demonstration. A year later, he was reportedly sentenced to a 15-year prison term on charges of separatism and espionage. Over the years, he has allegedly been subjected to physical abuse in Inner Mongolia's No. 4 Prison in Chifeng and been denied family visits. He was allegedly beaten by inmates provided with rubber clubs by prison guards. On two occasions, a gun was allegedly held to his head by a prison official who threatened to kill him.

299. **Cao Maobing**, an electrician at the Funing County Silk Mill in Jiangsu Province was reportedly forcibly detained in a psychiatric hospital on 15 December 2000, shortly after he spoke to Western reporters about attempts to establish a union elected and run by workers at the mill. At the hospital, Cao was reportedly forced to take medication until his family complained.

300. **Fang Jue** was reportedly arrested on 23 July 1998, after publishing a platform for democratic reform in the international press, and is serving a four-year prison sentence in the Liang Xiang Prison in Beijing. From 30 December 2000, he was reportedly kept incommunicado in a bare cell with no heating, bed or blankets in winter, and was deprived of food and water. He is said to suffer from frostbite to his arms and legs, respiratory and digestive illnesses, with recurrent diarrhoea.

301. **Xue Jifeng**, a labour activist from Zhengzhou, Henan Province was reportedly forcibly confined in Xinxiang City Psychiatric Hospital from 17 December 1999 to 20 June 2000 by the Zhengzhou Public Security Bureau, after attempting to register the Zhengzhou Workers' Association. He was reportedly forced to take drugs producing serious side effects. He was released only after agreeing not to participate in politics or "care about other people's affairs". He had reportedly been detained in the same hospital in November 1998 for one week after suing Henan Province Communist Party for its role in the winding up of the Three Stars investment company.

302. **Liu Haitao**, a member of the Chinese Evangelical Fellowship, was reportedly arrested on 14 September 2000 in Jiaozuo City. He reportedly died whilst detained by police in Xiaoyi County Detention Centre, Henan Province on 16 October 2000, as a result of severe beatings. Food and hygiene conditions were also allegedly poor and he had developed a high fever, with vomiting and breathing difficulties, in early October, for which he was reportedly denied medication.

303. **Zhang Zhenggang**, from Huai'an City, Jiangsu Province, was reportedly arrested on 2 March 2000 and transferred to the Huai'an City Detention Centre. He was reportedly severely beaten on or around 25 March, suffering severe head injuries, from which he never regained consciousness. On the evening of 30 March, after doctors found Zhang Zhenggang's pulse very weak, about 40 police officers reportedly cordoned off the ward and intervened with the doctor to shut off his oxygen supply and blood transfusion. Subsequently, police officers are said to have removed Zhang Zhenggang's body to the city crematorium and to have attempted to bar access to the family.

304. **A newborn "out of plan" baby boy** was reportedly beaten and killed by birth control officials in Caidian village, Hubei Province on 15 August 2000. The baby had first been rescued by a health worker, who had taken him home. There, five birth control officials reportedly grabbed the baby from her, kicked him repeatedly and then drowned him at a paddy field. Earlier, they had reportedly brought the nine-month-pregnant mother to their office and had injected her to kill the baby. When the baby was born alive, they instructed the father to kill him. Chen Shengli, Director of the State Family Planning Commission's Information and Education Department allegedly said the officials had "unfortunately ... killed the infant, and there is not much we can do now to change the outcome".

305. **Xi Zhaofu**, aged 17, reportedly died on 5 February 1999 after being beaten in the chest by an adult inmate in Huaihua City Detention Centre No. 2, Hunan Province, on transfer into a new cell, together with four other prisoners. His attacker is said to have been a prisoner serving a suspended death sentence for intentional injury and to have been executed as punishment for the attack.

306. The Special Rapporteur has transmitted information on the following individual case in the Xinjiang Uighur Autonomous Region (XUAR).

307. **Zulikar Memet**, an ethnic Uighur from Gulja (Yining) City, on behalf of whom the Special Rapporteur sent a joint urgent appeal in conjunction with the Special Rapporteurs on the promotion and protection of the right of freedom of opinion and expression and on extrajudicial, summary or arbitrary executions, on 14 June 1999, was reportedly sentenced to death in July 1999 after telling the Ili Prefecture Intermediate People's Court that his "confession" had been extracted under torture. He is said to have showed the court signs of torture, including missing fingernails. No investigation has reportedly taken place. He was reportedly executed on 14 June 2000. His parents had reportedly been denied access to him since April 1998 and learnt about his execution only afterwards.

308. **Abdulhelil Abdumijit** was reportedly detained immediately after taking part in a demonstration in Gulja, on 5 February 1999, and ill-treated to extract a confession and names. Police officers allegedly beat him on the back and a prison guard set a dog on him. At the end of 1999 or early in 2000, he was allegedly sentenced to death and severely beaten during a public sentencing rally announcing the sentences. He reportedly died in Chapchal prison, near Gulja (Yining) on 17 October 2000 as a result of torture. His body was reportedly taken to a cemetery in Chapchal under heavy police guard.

309. The Special Rapporteur transmitted information on the following individual cases in the Tibet Autonomous Region.

310. **Jampel Thinley**, a monk at Chamdo Monastery, was reportedly arrested in spring 1997 and charged with pasting "counter-revolutionary" posters on a monastery. He was allegedly beaten and deprived of food and water for nine days. He was subsequently taken to Chamdo People's Hospital, where he reportedly died four hours later.

311. **Tsultrim Sangmo**, a 25-year-old woman from Chukar Chang village, Jhangkar township in Phenpo Lhundup county, reportedly died on 15 May 1998 in Drapchi prison, as a consequence of the injuries suffered after her participation in the May 1998 protests in Drapchi (see E/CN.4/2000/9, para. 237). She was reportedly severely beaten and denied access to medical assistance.

312. **Chadrel Rinpoche**, who was reportedly accused of betraying State secrets while helping the Dalai Lama to choose the eleventh reincarnation of the Panchen Lama, has allegedly been held in a secret compound of a Sichuan prison, where he is believed to be kept separate from other prisoners, denied all outside contacts and restricted to his cell, since his 1997 sentence to six years' imprisonment after a closed trial. He and the other detainees are reportedly ill-treated, given electric shocks and suspended in painful positions.

313. **Ngawang Dekyi**, a nun of Poto Nunnery in Phenpo Lundu, was reportedly detained at Gutsa after taking part in a demonstration in Lhasa. She was allegedly sentenced to six years at Drapchi's "reform-through-labour" camp, was hospitalized on 5 January 1998 and died 16 days later, as a result of severe beatings by prison guards.

314. **Thupten Kalsang**, a monk from Lo Monastery serving a five-year sentence in Drapchi Prison, was reportedly beaten by 12 prison guards after protests in the prison. On the following morning, he was allegedly beaten again and severely wounded. He was reportedly released on medical parole on 15 May 1998. Although he is said to have been treated for his injuries, he allegedly remained in critical condition.

315. **"Shol" Dawa**, a political activist, reportedly died on 19 November 2000, whilst serving a nine-year sentence imposed in 1995 on charges of "espionage" for collecting details of political prisoners. The circumstances of his death are unclear, but he had reportedly been suffering from a kidney ailment for which he did not receive medical treatment.

316. **Phuntsok**, a former monk of North-Lung Monastery from Lhasa and a former prisoner, who is said to have spent two years in Drapchi Prison from 1995 to 1997 for possession of "pro-independence documents", reportedly died at home two years after his release, from liver failure, which is thought to have been the result of ill-treatment he was subjected to while in custody. At the time of his release, he suffered from liver infection and since then had failed to recover.

317. **Kalden**, a monk from Dagkar Tral-Zong Monastery, was reportedly arrested in December 1998 and detained for six months in Xining Prison. In May 1999, he was reportedly released on medical parole with broken ribs. While in prison he was allegedly subjected to beatings with an electric baton, kicked and punched, and deprived of food and sleep for five consecutive days. He was reportedly subsequently treated in Tsolho Medical Hospital.

318. **Phuntsog Legmon**, alias Taeten Norbu, aged 16, and **Namdrol**, alias Sonam Choedrak, both monks from Taklung Monastery in Toelung county north-west of Lhasa, were reportedly detained on 10 March 1999, during the fortieth anniversary of the uprising in Lhasa, and sentenced to three and four years imprisonment respectively. It is believed that police used both batons and fists to beat them while they were in detention.

319. **Penpa**, a man from Tsang Shalu who was reportedly arrested in 1997 by the National Security Bureau for his alleged involvement in a flag hoisting incident and detained in Trisam Prison, is said to have died in early 2000, just one month after being released on medical parole. At the time of his arrest, he was reportedly severely beaten and subsequently denied medical attention. One of his lungs reportedly collapsed.

320. **Tsering Wangdrak** was reportedly arrested on 29 October 1999 in Goloe township by policemen and People's Armed Police forces who kicked and hit him with electric batons and transferred him to Karze police station, where he was allegedly beaten again during interrogation. He was reportedly whipped with wire strings and bamboo sticks and had boiling water poured on him. Two months later he was reportedly sentenced to three years and eight months' imprisonment and transferred to Ngapa Prison in Karze Prefecture, Suchuan Province, then to the Xinhua Re-education through Labour Camp in Mianyang municipality, northern Sichuan, where he reportedly died in June 2000. At Karze County Public Security Bureau Detention Centre, he had allegedly had to work in hot weather without adequate water and food, and was beaten at Mianyang.

321. **Lobsang Sherab**, a monk whose lay name is Norbu, was reportedly detained in early October 2000 by Security Bureau officers under the suspicion of involvement in pro-independence activities, and detained in the Tibet Autonomous Region Public Security Bureau Detention Centre, during which time he allegedly suffered ill-treatment, resulting in a fractured leg and head injuries. He was reportedly released on 24 November 2000 before sentence. His condition allegedly deteriorated drastically, and he reportedly died on 20 October 2000 from a brain haemorrhage.

322. The Special Rapporteur has continued to transmit to the Government information according to which many Falun Gong and Falun Dafa practitioners, alone or in groups, have been taken by law enforcement officials to mental hospitals where they were reportedly detained for periods varying from a few days to several months, without receiving a psychiatric examination before being detained. They are also said to have been forced to take drugs. On 20 January 2000, a spokesman for the Changguang police station in Fangshan district in Beijing, is said to have confirmed to a foreign journalist that around 50 practitioners, mainly women, were being held at the Zhoukoudian psychiatric hospital near Beijing. He reportedly said that they were "not patients", but that they were confined "to be re-educated".

323. With respect to Falun Gong and Falun Dafa practitioners, the Special Rapporteur transmitted information on the following individual cases.

324. **Zhang Shuqi** was reportedly arrested on 26 December 1999 and detained in Xicheng Detention Centre until 14 January 2000, when her relatives were told to pick her up. During the journey home, she reportedly told them about the ill-treatment she allegedly suffered, including force-feeding through the nose during a hunger strike. Within an hour of returning home, she allegedly started to vomit and lost consciousness. She reportedly died on the following day in Beijing University Hospital.

325. **Liang Quing** (f), from Dalian city, Liaoning province, was reportedly sentenced without trial to three years of "re-education through labour" for having sent information about the torture of fellow Falun Gong practitioner Zhang Chunqing (f) to the foreign media. She was reportedly first detained for 26 days from 20 July 1999 at the Yaojia detention centre in Dalian, and again on 24 October. **Zhang Chunqing** (f), who had given an account of her ill-treatment at the Yaojia detention centre in September, was reportedly also re-arrested in October and sentenced to three years "re-education through labour" at the Mashanjia camp.

326. **Liu Jiankun** from Liaoyuan City, Jilin Province, was reportedly assigned to one year re-education through labour in February 2000 in Baiquan labour camp. When he continued practising Falun Gong exercises, guards reportedly instigated inmates to beat him severely. In May 2000, he reportedly complained of pains in his chest and by 2 July he was unable to eat. He was reportedly required to continue with heavy labour until 5 July, when officials notified his family to collect him for medical treatment. City and district hospitals are said to have confirmed that his ribs were fractured and fluid had accumulated in his chest. He reportedly died in hospital on 27 August 2000.

327. **Wang Xingtian** from Dayang Ningjin County, Hebei Province, was reportedly detained in the "legal education centre" of his village to prevent him from travelling to Beijing to appeal against the Falun Gong crackdown on 21 February 2000. He was reportedly transferred to government offices in Beiquanli village around 23 March, where he was denied food. On 25 March, he was reportedly beaten by hired workers using batons and iron rods. Wang's family reportedly had to pay a bribe before they could take him home in an unconscious state. He reportedly died later that day.

328. **Liu Xiaoling** (f) was reportedly arrested on the eve of the 2000 Chinese spring festival, and detained at the Zhaodong City Detention Centre, where she went on a hunger strike. On 13 or 14 May 2000, the police reportedly force-fed her. As a result of beatings, her ribs were fractured, causing them to puncture her lungs.

329. **Mei Yulan** (f) was reportedly arrested on 13 May 2000, detained in Chaoyang District Detention Centre, Beijing, where she was allegedly force-fed saltwater and soya bean milk through her nose on 17 May, by a fellow inmate with no medical skills who guards claimed was a nurse. Shortly after returning to the cell she allegedly began spitting blood, but she reportedly did not receive medical treatment until the next day. Her hands and feet reportedly became cold and her eyeballs stopped moving. She was reportedly transferred to the Minghang hospital, where she died on 23 May.

330. **Zhuang Yongxing** from Qionghai in Hainan, was reportedly arrested on 7 October 2000, and taken to the seventh floor of the Jingrong building for interrogation. On 8 October 2000, he was found dead in front of the same building, his body covered with cuts and bruises. The police reportedly claimed that he had jumped from the building's balcony to avoid punishment.

331. **Yang Guibao**, a resident of Beixingbao village, Zhangjiakou City, was reportedly arrested on 24 October 2000 in Beijing, and detained at the Xuanwu District Detention Centre, where police took turns beating him and ordered other detainees to do so for a day. He was reportedly escorted back by the Beixinbao village local police (Huailai County, Zhangjiakou City) on 27 December 2000, where he is believed to have been kicked, beaten with a bamboo stick and shocked with an electric baton. He reportedly died in hospital on 14 January 2001. The doctor allegedly identified the cause of his death as suffocation from concentrated salt water, to which he had been subjected after going on hunger strike.

332. **Xu Bingyuan** and **Lou Aiqing** were reportedly arrested on 20 December 2000 in the central city of Qingdao for having hung up posters saying "Falun Gong is good" and were both beaten to death.

333. **Xia Shucai** reportedly died as a result of police beatings on 22 December 2000, two weeks after his arrest at a train station in Caiyang City, Shandong.

334. **Zhang Maoxing**, a resident of Chenzi, Jiangxi Province, was reportedly arrested by police on 25 December 2000 and detained at a Beijing detention centre, where he is believed to have been severely beaten. He was subsequently returned to Jiujiang County Detention Centre,

where he allegedly died a few days later. He reportedly sustained bruises all over his face and lip. His wife is said not to have been allowed to see his body, which was cremated as soon as he died.

335. **Zong Hengjie** was reportedly severely beaten on 1 and 3 October 2000 in the Tiexi district police substation, resulting in his death. The police allegedly claimed that he committed suicide. The authorities reportedly did not allow an autopsy and ordered his body to be cremated.

336. **Wang Bin** was reportedly beaten for three hours by guards at the Dongfeng labour camp, and subsequently died on 5 October 2000.

337. **Xie Guiying** reportedly died as a result of beatings he was allegedly subjected to at a police station in the eastern city of Zhunan on 18 October 2000.

338. **Zhao Yayun** reportedly died on 20 June 2000 at the Wanjia Labour Camp in Harbin City, Heilongjiang Province. She reportedly bore bruises around her eyes and shoulder blades, her face was swollen and strangulation marks were visible on her neck. On the same date, at least 14 other female Falun Gong practitioners died as a result of the torture they were allegedly subjected to. Officials from the central and provincial governments are said to have subsequently inspected the camp.

339. **Shi Yingchun** (f) was reportedly arrested for practising Falun Gong in a local park on 5 October 2000. In custody at the Huludao Detention Centre she was reportedly beaten by the guards when she continued to practise Falun Gong exercises. Two guards repeatedly beat her buttocks, using nail-studded clubs and plastic hoses. She was also handcuffed and shackled for several days.

340. **Zhao Shuijing** (f) was reportedly caught by a group of plainclothes policemen on 18 November 2000 when she went to Tiananmen Square, beaten and kicked and, as a result, lost consciousness. She was allegedly dragged to the Tiananmen police station in a bad condition and subsequently released. She had a bloody eyeball, a swollen face, a one-inch-long cut inside her upper lip and a dislocated right shoulder.

341. **Xin Ran**, a 14-year-old girl, and her 13-year-old sister were reportedly detained at Fangshan County, Beijing, on 16 December 2000, when they went with their mother to Beijing to appeal for Falun Dafa. Xin Ran was allegedly slapped, pinched on her face and beaten on her buttocks with a stick by Fangshan police officers. The sisters were allegedly brought back three days later to their school by local policemen from Sanhe City. Their mother is believed to have been on a hunger strike and to have been released on 22 December 2000.

342. **Li Jingchun** (f) was reportedly detained in the Mentougou Detention Centre in Beijing since 18 December 2000. She allegedly went on a hunger strike, on the fifth day of which, the guards allegedly fed her through her nose. She was reportedly released on 30 December 2000 but her fever was said to have got worse and she was vomiting. She reportedly died on 4 January 2001.

343. **Chu Congrui** (f) was reportedly arrested in Tiananmen Square, Beijing on 1 December 2000. She reportedly died in the Haidian District Detention Centre around 13 December 2000. Her face and lips were reportedly swollen, her ears bloody and her nose was broken. Her body is believed to have been cremated in Changping County, Beijing on 18 December 2000.

344. **Tian Baozhen** (f) was reportedly arrested by officers of the Tiananmen police station in November 2000, when she went to Tiananmen Square. When she refused to reveal her name and address, she was reportedly sent to Xuanwu District Detention Centre in Beijing. She allegedly went on a hunger strike and was subsequently interrogated, beaten and force-fed. She was released and died several days later, on 11 December 2000.

345. **Tong Zhentian** was reportedly arrested and severely beaten by police in January 2001, when he went to Tiananmen Square in Beijing. He was taken to Shulan City police and then sentenced to one-year at Jilin Labour Camp, where he was allegedly subjected to further ill-treatment. He reportedly died on 4 July 2001 as a result of his injuries.

346. **Tan Yongjie** was reportedly arrested on 26 April 2001 for distributing flyers urging the Government of China to stop the persecution of Falun Gong practitioners. After being severely beaten by the local police, he was allegedly sent without trial to a labour camp in Boluo County, where he was reportedly held for over a month and repeatedly beaten, and hung from a cell window by a pair of handcuffs, with his feet barely touching the ground, for over five hours. On 2 June 2001, his legs were reportedly burnt 13 times with a heated iron.

347. **Li Changiun** was reportedly detained on 16 May 2001 in Wuhan, for printing materials that were believed to reveal human rights abuses against Falun Dafa practitioners in China. His family is alleged to have been notified of his death on 27 June 2001. His face and neck were bruised and distorted, most of his teeth were missing and his back was burnt.

348. **Zuo Zhigang** was reportedly arrested in his workplace, on 30 May 2001 by police from the Public Security Bureau of Shijiazhuang City and the so-called "610 office", taken to the Qiaoxi District police station in Shijiazhuang, where he was allegedly interrogated and beaten to death. His corpse reportedly bore many scars, there was a mark on his neck showing that a string had been pulled tightly around it, and two big square-shaped holes on the back of his torso.

349. **Liu Dongxue**, a peasant from Dalou village of Shenxing town, Hebei Province, was reportedly detained at the county detention centre, along with his wife, on Chinese New Year's Eve 2001. He allegedly resorted to a hunger strike for four months to protest his illegal detention and persecution, during which he was reportedly forced-fed and severely beaten. At the end of May 2001, he was reportedly covered with cuts and bruises and weighed less than 25 kilograms. It is reported that he was sent home, where he died on 31 May 2001.

350. **Wu Qingbin** reportedly died on 20 July 2001, after being forced to drink disinfectant at Huainan labour camp. He is alleged to have been in and out of re-education and labour camps since March 2000 and to have suffered repeated torture for his refusal to renounce his faith.

351. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, its causes and consequences, the Special Rapporteur advised the Government that he had received information on the following individual cases.

352. Between March 1997 and June 1998, the director and deputy director of Qinjia Township police station, Xinhua County, Hunan Province, had illegally detained 42 young women who worked in other provinces, handcuffing, kicking, beating, humiliating and threatening them in order to extract confessions that they had engaged in prostitution. In September 1999, they were reportedly sentenced to one year and to six months in prison respectively for detaining the women. Both sentences were allegedly suspended for one year.

353. On 17 May 1999, the head of the Public Security Bureau Communication Department of Xinmi City, Henan Province, a police colleague and a security guard reportedly apprehended a young woman, detained her at their office, demanded that she admit to prostitution, beat her with police batons, gave her electric shocks to her breasts and thigh, sexually assaulted her, kicked and beat her. They reportedly forced her to sign a guarantee, threatening to send her to a labour camp. They reportedly told her they had been lenient to her and that, with women from other towns, they would apply electric shocks to their vaginas until they confessed.

354. By letter dated 31 August 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual cases.

355. **Wang Wanxing**, a human rights activist, was reportedly forcibly taken to Ankang Psychiatric Hospital in Beijing on 23 November 1999, and then to Ankang Public Security Hospital, managed by the Beijing Public Security Bureau, on 3 June 1992 after trying to unfurl a banner in Tiananmen Square. His wife was allegedly told he was suffering from a condition called "political monomania". On 19 August 1999, Wang Wanxing was reportedly released for a three-month period on condition that he not contact the media and dissidents. On 18 November 1999, he reportedly asked the authorities if he could hold a press conference on expiry of the period. In response, he was forcibly returned to the hospital on 23 November.

356. **Li Lanying, Chen Shihuan, Liu Jinling** and **Chi Yunling**, four Falun Gong practitioners from Zhaoyuan County in Shandong Province, were reportedly detained in November 1999 for disclosing details of the death as a result of ill-treatment of Zhao Jinhua (f). In December 1999, Li Lanying and Chen Shihuan were reportedly sentenced to three years' "re-education through labour" in a labour camp in Zibo County, Shandong Province. Liu Jinling and Chi Yunling were reportedly still in custody in January 2000.

357. By letter dated 11 September 2001, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no reply had been received.

Urgent appeals

358. On 7 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Tang Xi Tao** (f), arrested on 6 July 2000. She had allegedly been charged with disrupting public order in relation with her participation in Falun Gong exercises and sentenced to two years'

imprisonment after an allegedly unfair trial. According to medical reports, she has serious health problems, such as renal calculus and cardiac troubles. She is reportedly being detained at Cha Tou Penitentiary, Canton, Guangdong Province, where she has allegedly been subjected to ill-treatment, including being handcuffed and isolated for several days, forced to sleep on the ground with other detainees, verbally threatened, intimidated and obliged to perform forced labour.

359. By letter dated 17 May 2001, the Government responded that she had repeatedly engaged in attacks on government organs, severely disrupting public order. In June 2000, she was assigned by the Guangzhou Re-education through Labour Committee to two years' re-education (from June 2000 to June 2002) in the Chatou re-education facility in Guanzhou. In view of her age, she has been repeatedly taken for physical check-ups and timely medical attention. The Government indicated that accounts of her suffering ill-treatment during re-education were purely fictitious.

360. On 22 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Rebiya Kadeer** (f) and **Kahriman Abdukirim**, her secretary, detained at Prison No. 2, in Baijiahu, Urumqui, and at Umriqui Prison No. 3, respectively. Both were believed to be in a poor state of health due to the alleged bad conditions of their detention, including inadequate food. Rebiya Kadeer was transferred from Liudaowan to Prison No. 2 after her appeal against her eight-year sentence was rejected by the Xinjiang High People's Court on 28 November 2000. Kahriman Abdukirim is said to have been removed from the Wulabai Re-education through Labour School in Urumqi to Umriqui Prison No. 3 on 27 May 2000 and he is reportedly currently serving a three-year term of "re-education through labour" for his association with Rebiya Kadeer.

361. By letters dated 15 January and 12 June 2001, the Government affirmed that Rebiya Kadeer's right to proper treatment and physical and mental health were respected and that her physical condition was normal. On 10 March 2001, the Urumqi Intermediate People's Court had established that Rebiya Kadeer had, inter alia, long been collaborating with overseas elements engaging in ethnically divisive activities and had sent intelligence reports abroad endangering State security. The Court hence sentenced her to eight years' imprisonment for the criminal supply of State intelligence for parties abroad. Her appeal was rejected by the Xinjiang Uighur Autonomous Region Higher People's Court. The Government indicated that Rabiya Kadeer was now serving her sentence at the Xinjiang Autonomous Region No.1 prison, where she was in good health with a steady morale. The Government also stated that Kahriman Abdukirim and Rebiya Kadeer's son had been assigned by the Urumqi Municipal Re-education through Labour Committee to 18 months and two years' re-education through labour respectively for disturbing public order, and for having repeatedly supplied separatist elements abroad with material designed to fan ethnic hatred and imperil State security. The Government indicated that their punishment was entirely due to their own conduct. Both are serving their term at the Urumqi facility. Both are in good health and have received family visits. The Government specified that re-education through labour was remedially oriented. It did not seek to attribute criminal responsibility to petty offenders or to treat them as criminals. Its aim is to educate and reform them, to help them through persuasion and to turn them by means of education labour and instruction in productive skills into disciplined, law-abiding, moral, useful human resources with some culture and technical abilities.

362. On 7 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the freedom of opinion and expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Gao Zhan**, a research fellow at the American University in Washington D.C., who has been detained incommunicado since she was arrested by officers of the Beijing State Security Bureau at Beijing Airport on 11 February 2001. She was believed to have been charged on 2 April 2001 with accepting "missions from overseas intelligence agencies" and taking "funds for spying activities in mainland China". She is said to be suffering from heart disease. Her place of detention was unknown.

363. By letter dated 2 August 2001, the Government responded that she had joined a Taiwanese spy organization in 1993 and entered China several times to engage in espionage. She had incited the defection of an official responsible for affairs concerning Taiwan, who stole a large quantity of confidential documents, which she sent to a Taiwanese espionage unit, endangering the security of China. Gao and her husband were interrogated and candidly confessed to their spying activities. On 24 July 2001, Gao Zhan was sentenced to 10 years in prison by the First Intermediate People's Court, but was released on parole on medical grounds. Her husband, who was an accomplice, supported the police investigation, as a result of which the Procuratorate decided on 8 March 2001 to allow him to leave for the United States with his son. During the examination of the case, their son Andrew was placed in a kindergarten in Beijing with their consent.

364. On 21 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Zhang Shanguang**, a labour activist who is facing a 10-year sentence at the Hunan No. 1 prison, an electrical machinery factory in Yuanjiang City, central Hunan Province. He was reportedly beaten by prison guards and put in solitary confinement after he allegedly circulated a petition, dated 15 March 2001, demanding an end to torture and long working hours. Other prisoners who signed the petition were reportedly also beaten. The above-mentioned petition was smuggled out of the prison in April 2001 and describes the conditions of detention in the penitentiary centre, as well as the corporal punishments to which prisoners who are unable to do the work required or who complain are allegedly subjected. Zhang Shanguang has reportedly contracted tuberculosis in the past and is currently suffering from a lung illness. He is allegedly denied medical treatment. He is said to be forced to do heavy work in shackles, and to be beaten when he tries to stop working.

365. On 3 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Han Yuejuan**, the widow of a United Nations observer and previous director of the Theory Office of the Propaganda Department of Dongshan district in Guangzhou City, Guangdong Province. After her husband's death in January 1993, she is said to have started to practise Falun Dafa. After several arrests, she was reportedly placed in a "reform through labour programme" under the surveillance of the Political and Public Security Departments. On 22 December 2000, her work unit was said to have been ordered to send her to a "transformation class" at a great distance from Guangzhou City, which the unit refused. Han Yuejuan reportedly escaped the surveillance and went to appeal in Beijing, where the police are said to have arrested her, to have bound her hands behind her back and to have beaten her severely. In June 2001, the police reportedly re-arrested Han Yuejuan at Yifangyuan in Xilang of Fangcun in Guangzhou and detained her in Tianpingjia Detention Centre in Dongshan district in Guangzhou.

366. On 25 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Huang Guodong**, a resident of Mudanjiang city, Heilongjiang province, and his son, who had reportedly been arrested by two police officers at their home in February 2001 on the charge of having printed and distributed Falun Gong flyers. They were reportedly taken to the Nanshan police station of Tielinghe in Mudanjiang City, where the police are said to have tied them up and to have beaten them violently for a whole day and night. Huang Guodong was reportedly subsequently transferred to Mudanjiang Detention Centre, where he was said to be held in handcuffs and shackles. As a result of the treatment he was subjected to during the previous eight months, Huang Guodong is believed to have become incontinent and not to have been able to take in any food since 10 October 2001.

367. On 30 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Zhang Maoxing** and his eldest daughter **Zhang Juan**, who had reportedly been arrested in Beijing while protesting in favour of Falun Gong and taken to the Jiujiang County Detention Centre in the Jiangxi Province, where Zhang Maoxing allegedly suffered severe beating and was tortured to death on 25 January 2001. The police reportedly did not allow Zhang's wife to see her husband for the last time, simply because she is also a Falun Gong practitioner. To this date, Zhang Maoxing's daughter, Zhang Juan, has reportedly been detained in the Jiujiang Detention Centre, under the control of the Deputy Director of the Jiujiang Public Security Bureau, who is believed to be directly responsible for Zhang Maoxing's death. It was reported that she was near death after having endured brutal torture at the detention centre.

Follow-up to previously transmitted cases

368. By letter dated 9 January 2001, the Government responded to an urgent appeal sent in May 2000 by the Special Rapporteur on behalf of Li Dexian (see E/CN.4/2001/66, para. 303). The latter had for many years spread Christian propaganda and on many occasions organized illegal meetings. Under the effects of his venomous pronouncements, some people had abandoned their jobs and students their studies, which had a deleterious effect on the social climate and had seriously disrupted people's usual production activities and life and their normal religious activities. The local authorities had repeatedly endeavoured to re-educate him, but he had refused to repent. In November 1999 and April 2000, the authorities twice sentenced him to a punishment of 15 days' detention for disturbing public order. No shackles were used against him. He was now at home and no coercive measures were used against him.

369. By letter dated 21 November 2000, the Government responded to an urgent appeal sent in July 2000 by the Special Rapporteur on behalf of Zhuo Xiaojun (see E/CN.4/2001/66, para. 306). On 26 December 1989, he had quarrelled with his neighbours over the erection of a wall, during which he picked up a knife stabbing them in the chest and abdomen and another man in the thigh. He was arrested on 30 December 1989 at the Jiangbin mansion in Fuzhou, Fujian Province and handed over to the armed police unit at the public security bureau in Changle. It was ascertained that no confession was extracted under torture. On 7 September 1990, he was found guilty of deliberate homicide and sentenced to death by the Fuzhou Intermediate People's Court. In January 1992, the Fujian Higher People's Court ruled that findings of fact of the lower court were not clear, set the decision aside and sent the case

back for reconsideration. In the same year, the Fuzhou Intermediate People's Court sent the case back to the procuratorial authorities for further investigation. In August 1993, the Court began renewed hearings. In January 2000, the Fuzhou Municipal Intermediate People's Court found him guilty of deliberate homicide, and rejected his argument that there was no third party witness to the act. The Government indicated that his appeal was currently before the Fujian Higher People's Court. He is detained in normal custody and in good health. Allegations of his being shackled and suffering from several illnesses are not true.

Colombia

370. Con fecha 10 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos sobre los cuales el Gobierno respondió por carta con fecha 29 de octubre de 2001.

371. **Roberto Antonio,** miembro de la comunidad desplazada de La Balsita, habría sido secuestrado el 29 de septiembre de 1998 por unos hombres armados, al parecer pertenecientes a un grupo paramilitar. El nombrado habría sido aprehendido en su casa, en el barrio de Héctor Cárdenas, de Dabeiba, donde le habrían propinado una paliza, le habrían atado y luego obligado a subir a una motocicleta. Más tarde, algunos miembros del grupo habrían regresado, disparado contra la casa del secuestrado y preguntado por el paradero de su esposa. Desde entonces, su paradero sería desconocido.

372. Respecto a este caso, el Gobierno señaló que el Coordinador de Fiscalías Especializadas de Medellín-Antioquia, el 5 mayo de 2000, inició una investigación de oficio.

373. **Israel Quintero Gómez**, marido de una responsable local de la Organización Femenina Popular, habría sido abordado por un grupo de individuos en Puerto Wilches, Magdalena Medio, el 31 de mayo de 2000. Habría sido severamente golpeado y presionado para que su mujer retirara la denuncia presentada contra un grupo de individuos armados que se habrían identificado como miembros de las Autodefensas Unidas de Colombia (AUC), un grupo paramilitar supuestamente vinculado a las fuerzas armadas.

374. Respecto a este caso, el Gobierno señaló que ha requerido a las entidades competentes la correspondiente información.

375. **Jineth Bedoya**, periodista, habría sido secuestrada por un grupo de paramilitares supuestamente vinculados a las fuerzas armadas el 25 de mayo de 2000 en Bogotá. La nombrada habría sido liberada al día siguiente en las cercanías de Villavicencio (Meta). Durante su cautiverio habría sido golpeada y víctima de ultrajes. Los paramilitares también habrían proferido amenazas contra otros periodistas del diario *El Espectador*.

376. Respecto a este caso, el Gobierno informó de que el Departamento Administrativo de Seguridad (DAS) le asignó a la nombrada dos escoltas de tiempo completo, y el Comité de Protección de Periodistas le otorgó un radio Avantel con el que mantiene una constante comunicación con la Fundación para la Libertad de Prensa. Por otro lado, el Gobierno señaló que en la última evaluación de riesgo realizada por la policía nacional, ésta advirtió que no

existen amenazas directas o hechos que puedan afectar su seguridad personal. Sin embargo, se le recomendaron algunas medidas de seguridad y autoprotección teniendo en cuenta que el resultado de dicho estudio fue medio-bajo. Finalmente, la Unidad Nacional de Derechos Humanos de la Fiscalía General de la Nación adelantó que se encuentra en investigación la causa radicada por presunto delito de secuestro a la periodista Jineth Bedoya Lima.

377. En relación a la situación de presos, el Relator Especial ha recibido información según la cual el 31 de agosto de 1999, **varios líderes de patios de la cárcel de Bellavista** en la ciudad de Medellín y los detenidos del paramilitarismo atacaron con el apoyo y complacencia de la guardia penitenciaria a otros presos detenidos supuestamente por razones políticas, ocasionando heridas graves a 43 de ellos. Después del incidente, los detenidos atacados habrían tenido que soportar el permanente hostigamiento y amenaza de los detenidos por paramilitarismo

378. Respecto a esta situación, el Gobierno señaló que en la Unidad Local de Fiscalías de Bello se encuentra radicada la investigación por los hechos ocurridos el 31 de agosto de 1999, en donde fueron presuntamente lesionados algunos presos políticos que se encontraban adelantando una protesta. Por su parte, la Dirección General del Instituto Nacional Penitenciario y Carcelario (INPEC) comunicó que se han llevado a cabo con respecto a ese centro carcelario diversas acciones tales como, disponer que la alimentación para los presos políticos fuera llevada hasta el pabellón donde éstos se encuentran detenidos, medida que se cumple a cabalidad; asimismo se ordenó al personal de vigilancia, tomar las medidas de seguridad necesarias con el fin de preservar la vida e integridad física de los internos denominados presos políticos, y se ofició al Personero de Medellín con el fin de que autorizara al Personero Delegado para la cárcel de Bellavista para que asistiera a las requisas rutinarias semanales que se hacen en diferentes pabellones, por parte del personal de custodia y vigilancia, a fin de garantizar la no vulneración de los derechos humanos de las personas que habitan al interior del mismo, principalmente con los presos políticos. Esta actividad se viene cumpliendo rutinariamente con la compañía de este funcionario delegado por el Ministerio Público. Por otro lado, el Gobierno informó de que el 1° de junio de 2001 se realizó una reunión interinstitucional y una visita a la referida cárcel con la participación de la Defensoría del Pueblo, la Procuraduría General de la Nación, la Fiscalía General de la Nación, la Fundación Comité de Solidaridad con los Presos Políticos y el INPEC. La Procuraduría General de la Nación comunicó que ha asistido a las diferentes actividades que se vienen desarrollando con el objeto de buscar mecanismos que brinden seguridad a los detenidos políticos. Por último, el Gobierno agregó que el Director de la cárcel y la Directora Regional Noreste del INPEC se comprometieron a presentar a la Dirección General del INPEC una propuesta de reubicación de los detenidos políticos recluidos en ese centro penitenciario.

379. Con fecha 10 de agosto de 2001, el Relator Especial, junto con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias, notificó al Gobierno que había recibido información sobre los siguientes casos.

380. **Decenas de civiles** habrían sido torturadas y matadas en julio de 1997 por fuerzas paramilitares y centenares obligados a huir de Mapiripán, en el Meta, para ponerse a salvo. Durante cinco días, los paramilitares, con el apoyo del ejército, habrían secuestrado a los habitantes y a las personas que llegaban en bote y los habrían llevado luego al matadero local,

donde los habrían atado, torturado y degollado. Las unidades locales del ejército y de la policía habrían hecho caso omiso de las insistentes llamadas telefónicas de un juez civil de la zona que habría tratado de detener las ejecuciones. Al menos dos cadáveres -el de **Sinaí Blanco**, barquero, y el de **Ronald Valencia**, cuidador de la pista de aterrizaje- habrían sido decapitados. El juez Leonardo Iván Cortés declaró haber oído los gritos de las personas a las que se habrían llevado al matadero para interrogarlas, torturarlas y matarlas y habría enviado un mensaje a varias autoridades regionales respecto a ello. Más tarde, el juez, al igual que centenares de personas, habría huido de la región tras recibir diversas amenazas de muerte. Investigaciones ulteriores habrían mostrado que las tropas dirigidas por el General Uscátegui ayudaron a las fuerzas paramilitares durante su llegada a la pista de aterrizaje. En el intento de encubrir su responsabilidad, el general Uscátegui habría tratado de falsificar documentos que informaban sobre la matanza. Como consecuencia de una investigación interna, el ejército habría trasladado al general a un destino administrativo por no haber actuado de inmediato para poner fin a la matanza y detener a los responsables. No obstante, el Consejo Superior de la Judicatura habría dictaminado más adelante que la causa implicaba un "acto de omisión" y correspondía a la jurisdicción de los tribunales militares. Posteriormente, el general Uscátegui habría pasado a situación de retiro. El ejército habría reabierto el caso y habría anunciado que llevaría al general ante un consejo de guerra por los delitos de "homicidio", "prevaricación por omisión" y "falsedad en documento" en relación con la matanza de Mapiripán. El general Uscátegui, al que han vuelto a detener, se encontraría recluido en la XIII Brigada.

381. Por carta de 27 de noviembre de 2001, el Gobierno respondió que la Procuraduría General de la Nación demostró procesalmente que un grupo de hombres fuertemente armados y vestidos con prendas de uso privativo de las fuerzas militares, reconocidos como Autodefensas Campesinas, ocasionaron entre el 15 y 20 de julio de 1997, en el municipio de Mapiripán, la muerte de Rolan o Ronal Valencia, Sinaí Blanco, N. N. de sexo masculino, Pacho N. N., el secuestro y desaparición de Antonio María Barrera Calle, conocido como "Catumare" y Nelson N. N., y, en la Inspección de la Policía de La Cooperativa del mismo municipio de Mapiripán, el homicidio de Álvaro Tovar Muñoz, el secuestro y asesinato de Jaime Pinzón, N. N. Morales de sexo masculino y Teresa N. N. y un número indeterminado de personas asesinadas, cuyos cadáveres al parecer fueron arrojados a las aguas del río Guaviare, así como la muerte de diez personas más, como producto de un enfrentamiento armado entre guerrilleros y paramilitares en jurisdicción de la Inspección de La Cooperativa. El Gobierno indicó que parte de los integrantes de ese grupo arribaron en dos aviones al aeropuerto de San José de Guaviare el día 12 de julio de 1997 provenientes del aeropuerto de "Los Cedros" sin que el personal militar encargado realizara el respectivo control; por el contrario, al parecer algunos miembros de la fuerza pública brindaron su apoyo a este grupo. Por otra parte, el Gobierno ha manifestado que en estos hechos no ha sido establecido ningún tipo de apoyo a las autodefensas por parte de las tropas dirigidas por el brigadier general Jaime Humberto Uscátegui Ramírez. No obstante, se ordenó investigación y con fecha 16 de noviembre de 2001 se emitió fallo sancionatorio de destitución absoluta de las fuerzas armadas contra dicho oficial militar por omisión y negligencia en la prestación de ayuda y protección a la comunidad de Mapiripán. También se sancionó con represión severa por la misma falta grave a un teniente coronel. A su vez, se formularon cargos contra otros miembros de las fuerzas militares por existir pruebas de su participación en estos hechos; al parecer, habrían prestado apoyo a las autodefensas, en aspectos tales como el apoyo para el arribo a la zona, en el suministro de transporte, prendas militares y armamento, así como en la planeación y ejecución de la masacre. Estas investigaciones se encuentran en trámite.

Asimismo, el Secretario de Gobierno del Departamento de Guaviare, fue sancionado con destitución e interdicción para el desempeño de funciones públicas por el término de dos años por omisión y negligencia en la solicitud de ayuda y protección.

382. **Daniel Pino** habría sido secuestrado y asesinado por un grupo paramilitar en abril de 1999, en la comunidad de La Balsa. En San José de Apartadó, los paramilitares supuestamente vinculados a las fuerzas armadas habrían reunido a varios residentes junto con Daniel Pino en la plaza mayor, y habrían abierto fuego, lo que habría provocado la muerte de **Gabriel Graciano**, de 16 años, y heridas graves a otras personas. Después de la masacre, habrían abierto el vientre a machetazos a Daniel Pino, que murió tras varias horas de agonía.

383. El Gobierno respondió que la Dirección Nacional de Investigaciones Especiales adelantó las diligencias efectuadas en relación a la masacre perpetuada en San José de Apartadó, y las incorporó a la indagación preliminar adelantada por la Fiscalía local. El Gobierno señaló que tanto de los informes de inteligencia del DAS y el de la Seccional de Inteligencia del Departamento de Policía de Urabá, como de las declaraciones de los testigos, surgen como responsables de la masacre las autodenominadas Autodefensas de Córdoba, sin establecer participación de servidores públicos en la masacre. Por otro lado, el Gobierno indicó que de la prueba balística se descartó la posibilidad de que en el hecho se hubiera utilizado armas de dotación oficial asignadas a la fuerza pública. La valoración de las pruebas aportadas permitieron a los asesores hacer evaluación de la indagación preliminar y remitirla a la Procuraduría Provincial de Apartadó para su competencia. Como conclusión, el Gobierno afirmó que en este caso no se puede hablar de torturas perpetradas por acción u omisión de servidores públicos, pues no se recaudó evidencia de ello.

384. **Miguel Ángel Guzmán Usuga, Álvaro Guzmán Pérez, Jaime Guzmán Silva** y **Juan Carlos Quiroz Higuita** habrían sido secuestrados por un grupo de las Autodefensas Unidas de Colombia (AUC), un grupos paramilitar supuestamente vinculado a las fuerzas armadas, en El Llano, Antioquia, el 10 de marzo de 2000. Sus cuerpos con señales de tortura habrían sido encontrados el día siguiente en la carretera de Olaya.

385. **Diego Arnulfo Camayo**, miembro de la Asociación Nacional de Usuarios Campesinos - Unidad y Reconstrucción (ANUC-UR), Gerente de la Cooperativa Multiactiva La Pedregosa, concejal electo por el movimiento campesino y secretario del Comité de Integración de las Organizaciones de La Pedregosa (CINCOP), su hermano **Eric Camayo**, así como **Germán Valenzuela** y **Dagoberto Velasco**, dos campesinos, habrían sido secuestrados por un grupo de paramilitares supuestamente vinculados a las fuerzas armadas en la vereda Santa Catalina, corregimiento de La Pedregosa, en el Cauca, el 24 de noviembre de 2000. Los paramilitares habrían pedido los documentos de identificación de Germán Valenzuela, y luego él habría sido tirado al suelo, atado y pateado en el rostro desfigurándoselo. Los cuerpos de las cuatro personas mencionadas habrían sido encontrados con señales de tortura unas horas más tarde frente a una iglesia. Desde el 19 de noviembre de 2000, el Valle del Cauca habría estado viviendo una situación de zozobra y hostigamiento por la aparición de las AUC. Los paramilitares, además de estos casos de tortura y muerte, habrían causado la muerte de otras personas y habrían obligado el desplazamiento de campesinos con amenazas de muerte.

386. En relación a la situación de los presos, los Relatores Especiales han recibido información según la cual, el 27 de abril de 1999, detenidos del paramilitarismo de los patios 3 y 5 de la Cárcel Nacional Modelo de Bogotá atacaron a los internos del patio 4, utilizando explosivos y armas largas, durante más de 12 horas. Durante el tiempo en que se habría desarrollado la acción los detenidos y sus familiares habrían implorado el ingreso de la fuerza pública, la cual aun encontrándose en las afueras del penal no habría ingresado, aduciendo no tener la capacidad para tomar el control del penal. Como resultado de estos hechos, 33 presos habrían fallecido y 19 habrían resultado heridos. Ante los graves riesgos que padecerían las personas supuestamente detenidas por razones políticas en la Cárcel Nacional Modelo, medidas cautelares habrían sido solicitadas a la Comisión Interamericana de Derechos Humanos, las cuales habrían sido concedidas.

387. El 1° de diciembre de 1999, las personas supuestamente detenidas por razones políticas en la Penitenciaria Nacional de Palmira (Valle) habrían sido informados por el director del centro del traslado a la nueva cárcel de Valledupar. Con anterioridad el director y los presos implicados habrían acordado que éstos no serían traslados a otro centro penitenciario. El director habría asumido el compromiso de convocar una comisión para el 2 de diciembre en las instalaciones de la biblioteca del penal. Dicha comisión estaría formada por representantes de los demás patios, la Cruz Roja, la Defensoría y la dirección del penal. En el momento en que los delegados de los presos afectados se habrían dirigido a la reunión, habrían sido atacados en una acción conjunta de la guardia y los presos por paramilitarismo, resultando muertos los presos **Alberto Bueno Bonet** y **Jairo Ramírez**. A continuación, la guardia acompañada de los presos por paramilitarismo habrían ingresado al patio No. 2 donde se encontraban otros presos detenidos supuestamente por razones políticas. Habrían saqueado sus celdas, destruido todos los símbolos que se encontraban en los muros y los habrían obligado a salir. Esta acción habría sido respaldada por el resto de la guardia que se encontraba apostada sobre la parte superior de los muros. Ésta habría disparado desde arriba y lanzado gases lacrimógenos para reducir a los detenidos. Como resultado de estos hechos, varios presos habrían resultado heridos, entre ellos **Jorge Eliecer Romero Zalgado**. Posteriormente, los detenidos habrían sido golpeados, desnudados y sometidos a toda clase de humillación, y habrían sido dejados hasta altas horas de la noche desnudos en la cancha de fútbol. Se habría negado el paso al delegado del Comité Internacional de la Cruz Roja (CICR), que habría intentado entrar para auxiliar a los heridos. La mayoría de los presos se encontrarían hacinados en un pasillo de alta seguridad, soportando hambre, sin sus pertenencias y algunos con heridas leves.

388. El Gobierno informó de que la Procuraduría Delegada Disciplinaria para la Defensa de los Derechos Humanos inició con fecha 31 de mayo de 2001 una indagación preliminar tendiente a verificar las circunstancias en las cuales se produjo la muerte violenta de Alberto Bueno Bonet y Jairo Ramírez, y a determinar la presunta responsabilidad de servidores públicos en las mismas. Dicha indagación preliminar se encuentra en la etapa de práctica de pruebas. Asimismo, el Gobierno indicó que también se cursan investigaciones por los mismos hechos en la Oficina de Control Interno del INPEC y en la Fiscalía de Palmira, Valle.

389. En relación a los demás casos mencionados en dicha comunicación, el Gobierno informó de que los mismos no están bajo conocimiento de la Procuraduría General de la Nación debido a que no existen servidores públicos involucrados, por lo cual se requirió a las entidades competentes la correspondiente información, la cual una vez se disponga será remitida.

Congo

390. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a transmis au Gouvernement des informations concernant les cas individuels suivants, auxquels le Gouvernement a répondu par une lettre datée du 30 novembre 2001. Le Gouvernement a indiqué qu'une commission administrative avait été créée de manière à enquêter sur toutes ces allégations et avait conclu que ces dernières étaient sans fondement. Concernant les trois personnes mentionnées ci-dessous, le Gouvernement a indiqué qu'elles avaient été gardées à vue par les services de police dans le cadre des investigations menées par une commission d'enquête mise en place dans la région du Kouilou au moment où la ville de Pointe-Noire vivait dans l'attente d'une attaque imminente.

391. **Gabriel Mbemba Biangue** et **Laclé Anselme Batantou** auraient été arrêtés entre le 21 et le 26 octobre 1998 à Pointe-Noire par des éléments des forces de l'ordre civil. Selon les informations reçues, Gabriel Mbemba Biangue aurait été brûlé à l'oreille avec une cigarette et Laclé Anselme Batantou aurait été battu avec une matraque, aurait reçu des coups de crosse et aurait été brûlé sur les parties génitales avec une bougie.

392. Le Gouvernement a indiqué qu'après quelques jours de détention qui n'avaient pas dépassé le délai de garde à vue qui est de 48 heures, ils avaient été remis en liberté.

393. **Léopold Moulolo**, un des membres fondateurs de l'Union panafricaine pour la démocratie sociale (UPADS), aurait été arrêté le 13 novembre 1998 à Dolisie, où il occupait les fonctions de Directeur régional de l'environnement. Il lui serait reproché d'avoir contredit le Ministre de l'intérieur qui aurait affirmé qu'il n'y avait plus un seul soldat angolais au Congo. Lors de sa détention, il aurait été battu avec une matraque, puis déshabillé et ligoté nu sur une chaise en métal, interrogé pendant de longues heures, brûlé aux parties génitales avec une bougie et électrocuté. Il aurait été envoyé à Impfondo avec 15 autres personnes, le 25 décembre 1998, où il aurait été maintenu sans jugement et au secret pendant 14 mois.

394. Le Gouvernement a indiqué qu'il avait été transféré à Impfondo (région de la Likouala) et qu'à la suite de la promulgation d'une loi datée du 20 décembre 1999 portant amnestie des faits de guerre, il avait été remis en liberté.

Appels urgents

395. Le 12 février 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Président-Rapporteur du Groupe de travail sur la détention arbitraire en faveur de **Materanya Kasisi Henri, Marhegane Bishanvu Pascal, Baguma Safari Gervais, Balungwe Birhashwirwa Depho, Bugogero Kabona Marcelin, Munganga Ndjaki André, Yenga Muhindo Georges, Bakenga Kakomere Cyprien, Companyi Kizito Yves, Bashizi Mufungizi Yamaki, Bahaya Maheshe Bernard, Malekera Balol'Ebwami Vital, Basole Baziraboba Théodore, Bisimwa Cubaya Jimmy, Cikuru Chambu Marcelin, Kikuni Longoma Justin, Muzima Mwenyezi Césaire, Balegamire Bafunyembaka Joseph** et **Kashindi Mubone Elias**, demandeurs d'asile en provenance de la République démocratique du Congo qui auraient été arrêtés à Brazzaville le 28 janvier 2001 sans mandat d'arrestation. Ces personnes, originaires des provinces du Nord-Kivu, Sud-Kivu et Maniema, auraient fui leur pays

après avoir été soupçonnées de participation à une tentative de coup d'État contre le Président de la République démocratique du Congo, S.E. Joséphe Désiré Kabila. Après leur arrestation à Brazzaville, elles auraient été privées de nourriture et de boissons durant 48 heures et auraient été transférées d'un centre de détention à un autre. Elles seraient depuis le 29 janvier détenues à la prison du département chargé de l'interrogatoire. Une demande de remise en liberté émanant du Haut-Commissariat des Nations Unies pour les réfugiés serait restée sans réponse.

Suite donnée aux plaintes signalées dans des communications précédentes

396. Par une lettre datée du 30 novembre 2001, le Gouvernement a répondu aux allégations envoyées par le Rapporteur spécial en septembre 1999 (voir E/CN.4/2000/9).

397. Concernant Christian Mounzeo (ibid., par. 322), le Gouvernement a indiqué qu'il avait été placé en garde à vue par le commissaire de la police spéciale pour délit de rébellion et outrage à agent de la force publique dans l'exercice de ses fonctions après une altercation avec un agent de sécurité à l'aéroport de Pointe Noire le 15 novembre 1998. Le Gouvernement a fourni au Rapporteur spécial le texte des dispositions pénales se rapportant à ces délits, ainsi que les garanties judiciaires appartenant à toute personne en garde à vue. Le Gouvernement a précisé que sa garde à vue n'avait duré que 25 heures et qu'il n'avait été soumis à aucun acte de torture.

398. Par ailleurs, le Gouvernement a indiqué que concernant les allégations de violence, y compris de viols commis par des éléments des forces armées congolaises, il convenait de remarquer qu'au sortir de la guerre civile de 1997, le Gouvernement n'avait pas eu la maîtrise effective des zones qui étaient sous le contrôle des forces fidèles à l'ancien régime pendant ce conflit, de sorte que des bandits armés y avaient commis des exactions de toutes sortes, pour lesquelles la responsabilité du régime actuel ne saurait être engagée.

Côte d'Ivoire

399. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements sur les cas individuels suivants.

400. **Emile Constant Bombet**, Ministre de l'intérieur et de la décentralisation sous le Gouvernement de Henri Konan Bédié, aurait été arrêté par des soldats le 25 décembre 1999, quelques heures après le changement de pouvoir du 24 décembre 1999. Lors de son arrestation, il aurait été frappé, on lui aurait craché dessus et il aurait été obligé de marcher à quatre pattes.

401. **Kouamé Ndri Katchibo**, le chef de cabinet de l'ancien ministre de la défense sous le Gouvernement Bédié, Bandama N'Gatta, aurait été brutalement battu lors de l'arrestation de Bandama N'Gatta le 31 mars 2000 à l'aéroport d'Abidjan.

402. Le Rapporteur spécial a reçu des informations sur des raids par les forces armées sur Daoukro, le village natal de l'ancien Président. Les membres de son entourage y auraient été soumis à de mauvais traitements. Le premier raid aurait eu lieu le 18 janvier 2000. **Kouacou Brou Michel** aurait été blessé à la joue avec un couteau et **Jean-Noel Kouamé** aurait été blessé à l'épaule avec une arme: il aurait eu une fracture de la clavicule. Ce dernier aurait par la suite été forcé de faire des pompes et, incapable d'obéir à cause de sa blessure, les soldats

lui auraient attaché les mains et les pieds et lui auraient donné des coups de pied dans le ventre. Trois paysans de Daoukro auraient été blessés par des soldats lors d'un raid qui aurait eu lieu le 14 mars 2000. Les militaires auraient versé du plastique fondu sur leurs mains, tout en les interrogeant sur l'ancien Président.

403. **Kouadio Ahou**, une des sœurs de l'ancien ministre des finances, Niamen N'Goran, aurait été giflée et aurait reçu des coups de pied par des soldats le 18 janvier 2000 à Kongoti. Elle aurait également été menacée de mort avec un fusil. Elle aurait ensuite été passée à tabac. Elle aurait, en particulier, été frappée sur le ventre et la poitrine. Elle aurait aussi été battue avec un bâton sur le dos et sur les fesses. D'autres membres de la famille du ministre auraient subi la violence des militaires.

404. Par la même lettre, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas transmis en 1997 pour lesquels aucune réponse n'avait été reçue.

405. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur spécial sur la liberté d'opinion et d'expression, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels lors de son arrivée au pouvoir, le général Gueï se serait engagé à respecter la liberté de la presse. Cependant, son Gouvernement n'aurait pas pris les mesures adéquates pour empêcher des unités militaires parallèles, basées à la Primature et connues sous le nom de "La Camora" ou les "Brigades rouges", d'effectuer des raids dans les bureaux de plusieurs journaux et de soumettre les auteurs de certains articles à de mauvais traitements. Les attaques contre ces journalistes n'auraient pas été sanctionnées. En particulier, les Rapporteurs spéciaux ont transmis au Gouvernement des renseignements sur les cas individuels suivants.

406. **Jules Toualy**, un journaliste travaillant pour *Le Jeune Démocrate*, aurait été arrêté par deux soldats habillés en civil le 9 avril 2000, dans les bureaux de son journal. Cet incident aurait eu lieu après qu'il a écrit un article dans lequel il informait que suite à une mutinerie militaire à Daloa, six mercenaires guinéens avaient été arrêtés. Il aurait été emmené au poste de commandement de crise (PC-crise) d'Akouedo, où il aurait été interrogé sur la source de ses informations, menacé de mort, exposé de longues heures au soleil et battu pendant 15 minutes. Il aurait fini par donner les renseignements demandés mais aurait été à nouveau frappé avec des câbles électriques et une balle de tennis. Il aurait fini par perdre connaissance. Il aurait été transféré dans une cellule avec six personnes qui se seraient avérées être les six Guinéens en question. Il aurait été relâché un peu plus tard dans la journée.

407. **Six journalistes du journal *Le National***, considérés comme proches de l'ancien Président Bédié, auraient été arrêtés le 10 février 2000 par des militaires et emmenés à la Primature, où ils auraient été battus et menacés de mort. Cet incident aurait eu lieu après la publication d'un article sur le général Gueï. Le jour suivant, l'éditeur du journal, **Laurent Tape Koulou**, aurait été appelé à se présenter à la Primature, où il aurait été gardé pendant trois heures. Les soldats l'auraient poussé avec leurs fusils et menacé de mort. Le 24 mars 2000, les soldats se seraient présentés aux bureaux du journal et auraient à nouveau molesté les journalistes en les obligeant à faire des pompes. D'autres journalistes travaillant pour d'autres journaux qui se seraient rendus sur place pour rapporter les faits auraient également été forcés à réaliser des exercices physiques.

408. Cinq hommes, dont trois en uniforme militaire, seraient entrés dans les bureaux du journal *La Référence* le 16 mai 2000, suite à la publication d'articles sur le général Gueï. Les soldats auraient giflé un des auteurs des articles et auraient frappé les collaborateurs et visiteurs au journal avec leurs bottes et leurs ceintures. **Patrice Pohé**, l'éditeur, aurait perdu connaissance suite aux coups et aurait été emmené avec quatre autres journalistes à la Primature, où ils auraient à nouveau été passés à tabac à plusieurs reprises. Ils auraient également été obligés de marcher à quatre pattes et de réaliser des pompes.

409. **Mohamed Fofana Dara**, un journaliste travaillant pour la British Broadcasting Corporation (BBC), aurait été frappé par des soldats le 31 juillet 2001, alors qu'il couvrait une manifestation près de l'ambassade de France à Abidjan. Il aurait, en particulier, reçu un coup sur le visage et aurait été frappé avec un fusil. Cette manifestation, qui aurait débuté de façon pacifique, aurait été durement réprimée par les forces de sécurité, qui auraient frappé, fouetté et obligé les manifestants à se mettre à quatre pattes et à faire des pompes.

Suite donnée aux plaintes signalées dans des communications précédentes

410. Par une lettre datée du 15 février 2001, le Gouvernement a répondu à un appel urgent envoyé conjointement avec le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires en octobre 2000 (voir E/CN.4/2001/66, par. 667).

411. Le Gouvernement a indiqué que le pays avait dû faire face à une période de troubles sanglants du 24 décembre 1999 au 27 octobre 2000 et a rappelé que tous les pouvoirs d'État avaient été concentrés aux mains d'une nouvelle autorité suprême, le Comité national de salut public. Le Gouvernement a précisé que les faits mentionnés par les Rapporteurs spéciaux suite à l'attaque dirigée contre la résidence privée du général Robert Gueï le 18 septembre 2000 se sont déroulés dans une atmosphère de confusion du droit et de la force. Il a précisé que 27 militaires avaient été arrêtés suite à une enquête diligentée par la gendarmerie nationale et que 23 avaient été traduits devant le Tribunal militaire d'Abidjan pour atteinte à la sûreté de l'État, assassinat et complicité d'assassinat. Au cours de l'instruction préparatoire commencée le 11 octobre 2000, seuls les généraux Palefo et Coulibaly avaient été incarcérés, les autres inculpés bénéficiant d'une décision de mise en liberté provisoire du juge d'instruction. Cette procédure aboutit à l'inculpation de 35 militaires.

412. Concernant les allégations de tortures, le Gouvernement a indiqué que le parquet militaire avait ouvert une enquête. Le procès-verbal de cette dernière, diligentée par la section de recherche de la gendarmerie, a été transmis au Parquet courant janvier 2001. Une information judiciaire a été ouverte et suit son cours contre les auteurs des faits dénoncés pour meurtre, coups mortels, séquestration, blessures volontaires et recel de cadavres. Concernant SanSan Kambiré, Souleymane Diomandé et Aboudramani Ouattara, tous trois décédés à la poudrière, le Gouvernement a indiqué qu'ils avaient été détenus, en l'absence d'une décision de justice, par une unité circonstancielle appelée Brigade rouge qui se serait rendue coupable d'actes inhumains à leur encontre. Le Gouvernement a assuré le Rapporteur spécial qu'il lui fournirait des renseignements supplémentaires sur les résultats du procès intenté contre les membres de la Brigade rouge responsables de ces actes. Finalement, le Gouvernement a rappelé l'existence de diverses dispositions constitutionnelles et pénales visant à protéger les droits de l'homme.

Cuba

413. Con fecha 15 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

414. **José Antonio Villavivencio Milanés**, de 23 años de edad, habría muerto el 22 de octubre de 1999, supuestamente a consecuencia de una paliza que habría recibido el 13 de septiembre del mismo año en la Unidad de Instrucción Policial. De acuerdo con la información recibida, habría recibido una gran cantidad de golpes en la cabeza, los cuales le habrían provocado dos fracturas lineales en el cráneo y hematomas en el cerebro. Las marcas en su cuerpo indicarían que le habrían golpeado con una cadena.

415. **Eduardo Díaz Fleitas**, vicepresidente del Movimiento 5 de Agosto, y **Fermín Scull Zulueta**, habrían sido agredidos por partidarios del Gobierno el 10 de noviembre de 1999. Posteriormente ambos habrían sido detenidos y acusados de "desórdenes públicos". El 25 de febrero de 2000, Fermín Scull habría sido condenado a un año de prisión y Eduardo Díaz, a un año de "limitación de libertad".

416. **Orlys Reyes Navarro** habría sido golpeado por un funcionario de la prisión de Guantánamo el 10 de enero de 2000 en un local aislado del destacamento 4-A de la prisión.

417. **Filiberto González Chávez**, 31 años, presidente de la Unión de Activistas 24 de Febrero en Manzanillo, provincia Granma, habría sido golpeado en la cabeza y luego amenazado por dos oficiales de la Seguridad del Estado. Los hechos habrían ocurrido el 21 de enero de 2000 en la capital provincial de Granma.

418. **Edelmiro López Cruz**, un detenido de 36 años, habría muerto de fiebre tifoidea el 12 de febrero de 2000. El nombrado habría estado enfermo durante dos semanas antes de que las autoridades carcelarias autorizaran su traslado al hospital.

419. **Andrés García Aguilera**, detenido en la prisión de Las Grimas, habría sido golpeado por funcionarios del centro penitenciario en febrero de 2000. Un oficial habría esposado al prisionero mientras otros tres funcionarios le habrían golpeado. El oficial le habría propinado un golpe que le habría causado una herida debajo del ojo izquierdo que requirió ocho puntos de sutura. Los familiares del preso habrían interpuesto una denuncia ante la Fiscalía Militar Provincial de Villa Clara.

420. Con fecha 15 de agosto de 2001, el Relator Especial, junto con el Relator Especial sobre la promoción y la protección del derecho a la libertad de opinión y de expresión, notificó al Gobierno que había recibido información sobre los siguientes casos.

421. **Yoani** y **Leonardo Varona**, familiares de **Manuel Antonio González Castellanos,** periodista de la agencia de noticias independiente Cuba Press, así como **Roberto Rodríguez Rodríguez**, habrían sido golpeados por unos agentes del Gobierno el 2 de octubre de 1998. El periodista habría sido detenido y su familia habría escrito en las paredes y puertas de su

vivienda consignas contra el Gobierno para denunciar la detención. A continuación habrían sido objeto de un "acto de repudio" y unos agentes del Gobierno habrían forzado la puerta, entrado y golpeado a las personas previamente citadas.

422. **José Aguilar Hernández**, presidente del Movimiento 13 de Julio, habría sido detenido el 17 de diciembre de 1999, cuando, junto a otros pacifistas, estaría peregrinando al santuario de San Lázaro. El nombrado habría recibido una patada a la altura de los pulmones en la espalda. A los demás manifestantes les habrían roto las camisetas en las que venían inscritos mensajes pidiendo la libertad de presos políticos.

423. **Belkis Barzaga Lugo**, una mujer miembro del partido opositor 30 de Noviembre "Frank País", habría recibido una golpiza el 17 de diciembre de 2000, después de abandonar el santuario de El Rincón. Unas personas, presumiblemente miembros de las Brigadas de Respuesta Rápida, la habrían agredido cuando se estaría expresando a favor de la libertad y de la democracia. A continuación habría sido arrestada y acusada de "desorden público" y no habría recibido una atención médica adecuada durante su detención.

Czech Republic

424. By letter dated 10 August 2001, the Special Rapporteur advised the Government that he had received information according to which from 26 to 28 September 2000, several thousand people gathered in Prague to coincide with the annual meeting of the International Monetary Fund (IMF) and the World Bank to protest against the policies of those institutions. Although the police are said to have refused to release information about the identity of those arrested and where they were being held, it is estimated that more than 800 persons - among them bystanders not involved in the protests - were arrested by the police. According to the information received, many individuals who took part in the demonstrations against the IMF/World Bank were violently assaulted in the streets upon arrest and subsequently ill-treated in police stations.

425. The police made very few arrests during the demonstrations and reportedly waited until the end of the demonstrations to target certain groups. Arrests were said to have included no explanation and the use of excessive force, including beatings and too-tight handcuffing. Many people reported that before reaching police stations they had been severely beaten by officers in isolated areas.

426. Police abuses reportedly continued in detention. According to the information received, police jailors forced prisoners to stand with legs apart and their head against a wall, often for up to three hours. It is said that many were beaten, some severely enough to crack ribs, and humiliated. It is also said that alleged demonstrators from the Czech Republic, Eastern Europe and Israel or belonging to minority groups were particularly beaten and were detained for longer periods. Members of extremist right-wing organizations detained at the same time were allegedly allowed to beat those arrested during the demonstrations inside police stations and prisons. Most arresting police officers are reported to have refused to identify themselves to the persons they were taking into custody. Arrested people were allegedly given no information about their rights and about what would happen to them.

427. Detained persons were reportedly not given access to a lawyer or legal counsel during questioning and kept in detention without being charged for more than the 24-hour period provided for by law. Severe overcrowding and denial of access to medical attention, to interpreters, to food and water, to toilet facilities and to beds or blankets were reported. Many foreigners were allegedly moved from local police stations to Balkova penitentiary.

428. In particular, the Special Rapporteur transmitted information on the following individual cases, to which the Government responded by letter dated 21 November 2001.

429. **Fernando Campo Caballero**, a Spanish citizen, was reportedly arrested on 26 September 2000. He was allegedly detained in a local police station and later transferred to Balkova penitentiary. During arrest, police officers reportedly punched and kicked him on the back, head and legs and beat him with clubs in a car. At the police station, he was reportedly cursed, kicked and punched again, and kept for 17 hours without food.

430. The Government indicated that Mr. Caballero had been detained by officers of the Czech Republic Police between 8 a.m. on 26 September 2000, and 4 a.m. on 29 September 2000. From the information, it was not apparent that his personal integrity had been impaired by the police officers. His allegations would be examined by the competent authorities. He appears not to have lodged any complaint.

431. **Joshua Tzarfaty**, an Israeli-French medical assistant, was allegedly brutally arrested by the police on 26 September, thrown to the ground and had his hands bound together with a leather strap. He was reportedly humiliated and severely beaten in Lupacova and Olsanska police stations. As a result, he allegedly sustained a broken arm and leg, a bruised eye, and had problems walking. He was reportedly later transferred to Balkova penitentiary where he was allegedly deprived of sleep.

432. The Government indicated that Mr. Tzarfaty was arrested by officers of the Czech Republic Police on 26 September 2000 after 9 p.m. and released on 29 September 2000 at 9 a.m. The procedure at the Zizkov police station in Prague 3 was examined by the Minister of the Interior Police Inspection Body and the matter was deferred, in accordance with section 159, subsection 1, of the Code of Criminal Procedure. Evidence permitting the institution of criminal proceedings was not found. A complaint was made to the Public Prosecutor at the District Public Prosecutor's Office in Prague 3 and no decision had been taken.

433. **Michael van Broekhoven**, a Belgian environmental and human rights activist, was reportedly seriously beaten during his arrest and transfer to a police station on 26 September. There, he was reportedly deprived of food, water and sleep, held in a 6 m^2 room with 24 other people and refused access to the toilet. He allegedly signed a document he could not read because he was told by the police that it was the condition for his release. He was later informed that he had promised in the document to pay CK 1,000. He was reportedly later transferred to Balkova penitentiary where he was allegedly denied medical attention.

434. The Government indicated that Mr. van Broekhoven was arrested by officers of the Czech Republic Police on 26 September 2000 at 4.50 p.m. and released on 29 September 2000 at 3 p.m. A monitoring body of the Prague Administration and Management examined his allegations. The investigation was concluded with a report and no error on the part of the police was found.

435. **Xavier Noulhianne** was reportedly arrested while taking part in a non-violent demonstration in Prague on 26 September and taken to a police station where he and other detainees were allegedly made to face a wall, searched and slapped on the head. He was allegedly later transferred to the Lhotka police station, Prague 4, where he was questioned and threatened with being beaten with clubs, and subsequently to one of the main police stations with other detainees who had reportedly been severely beaten.

436. The Government responded that Mr. Noulhianne was arrested by officers of the Czech Republic Police on 26 September 2000 and released on 29 September 2000 at 1 p.m. From the information, it was not apparent that his personal integrity had been impaired by the officers. His allegations would be examined by the competent authorities. He appears not to have lodged a complaint.

437. **Shuki**, an Israeli-French citizen, was reportedly severely beaten on his legs with a club over a 40-minute period and his head was knocked on the floor several times by policemen on 27 September in one of the main police stations of Prague, resulting in broken ribs and bruises.

438. The Government indicated that no relevant information was found on this case. The allegations would be examined by the competent authorities. From the written material, Shuki appears not to have lodged a complaint.

439. **Jane Dennett-Thorpe**, a female British citizen, **Tim Edwards**, a British citizen, and **Matthew Price**, a United States citizen, were reportedly arrested by the police on 26 September. Jane Dennett-Thorpe was reportedly kicked, punched and thrown against a wall. Tim Edwards and Matthew Price were allegedly severely beaten and handcuffed too tightly. They were allegedly pushed against a wall, physically harassed, searched and kicked. Matthew Price was allegedly kicked in the face, resulting in a broken nose. At the police station they were allegedly kicked, intimidated, threatened and pushed down the stairs. Jane Dennett-Thorpe reportedly received a heavy blow on the head and Tim Edwards was reportedly hit in his stomach, lifted and thrown against the wall. They were reportedly denied water, sufficient food and medical attention. Matthew Price was allegedly taken to another police station at the corner of Bartolemowska and Ny Prynska where he was reportedly subjected to the same type of ill-treatment. As a result, he reportedly sustained nerve damage on the back of his left hand.

440. The Government indicated that the above-named persons were arrested by officers of the Czech Republic Police on 26 September 2000 at about 9.30 p.m. The Ministry of Interior Police Inspection Body and the competent police body examined the facts stated. No error on the part of the police was found.

441. **Evan Henshaw-Plath**, a United States citizen, was allegedly arrested by policemen who kicked and hit him, threatened him with a rock and slammed his head on the back of the van. He was allegedly taken to a police station in Prague 4 where he was lined up against a wall, patted down, pushed, strip-searched and then held in an overcrowded cell. He and the other detainees were reportedly denied medical assistance. He was reportedly transferred to the Balkova immigration detention centre where he is said to have gone on hunger strike with other detainees. After three days of detention, he was reportedly deported to Germany.

442. The Government indicated that Mr. Henshaw-Plath was arrested by officers of the Czech Republic Police on 26 September 2000 at 3.25 p.m. and released on 29 September 2000, at 7 p.m. From the information, it was not apparent that his personal integrity had been impaired by the officers. His allegations would be examined by the competent authorities. He appears not to have lodged any complaint.

443. **Tadzio Mueller**, a German citizen, was reportedly arrested on 26 September by the police around the intersection of Polska and Chopinova Streets. He was reportedly pushed against a wall along with three other people and a policeman pulled his head up pressing his baton against Mr. Mueller's Adam's apple. At the police station he was allegedly slapped and kicked. He was later transferred to the Foreign and Border Police headquarters at Olanska, and then to Balkova penitentiary.

444. The Government indicated that Mr. Mueller was arrested by officers of the Czech Republic Police on 26 September 2000 and released on 29 September. The procedure at the Zizkov police station in Prague 3 was examined by the Minister of the Interior Police Inspection Body and the matter was deferred, in accordance with section 159, subsection 1, of the Code of Criminal Procedure. Evidence permitting the institution of criminal proceedings was not found. A complaint was made to the Public Prosecutor at the District Public Prosecutor's Office in Prague 3 and no decision had been taken.

445. **Ido Eyal**, an Israeli citizen, was reportedly arrested by the police on 27 September while he was walking from Vaclav Square to Namesty Miro. He was allegedly thrown on the ground, a policeman put his leg on Mr. Eyal's head to prevent him from shouting while another police officer sprayed gas into his eyes and mouth.

446. The Government indicated that no relevant information was found on this case. The allegations would be examined by the competent authorities. From the written material, no complaint appears to have been lodged.

447. **Jean Philippe Joseph**, a French citizen, was reportedly arrested along with other demonstrators on 26 September while he was taking part in a sit-in close to Petrova Street. He was allegedly transferred to Lohtka police station where he was threatened with a club. After 20 hours, he was allegedly taken to the Olanska police station for foreigners, where he was allegedly strip-searched, deprived of all his belongings and not allowed to speak. On 28 September, at night, he was transferred to Balkova penitentiary where he was reportedly prevented from sleeping.

448. The Government indicated that Mr. Joseph was arrested by officers of the Czech Republic Police on 26 September 2000 at 5.40 p.m. and released on 29 September 2000 at 1 p.m. A competent body of the Prague Administration and Management examined the facts. The investigation was concluded with a report and no error on the part of the police was found.

449. **Kamil Olejnik**, a Polish citizen, was reportedly detained on 26 September and charged with "assault of a public official". At the time of arrest, he allegedly received a blow to the head with a stone, causing a severe concussion, and was denied medical treatment for the following 10 hours. During the first week of imprisonment he was reportedly severely and repeatedly beaten, despite his head injury. His one-year prison sentence was allegedly based only on the evidence the prosecutor gave to the judge without consulting witnesses or the defence. On 23 November, the charges against him were allegedly dropped for lack of evidence.

450. The Government indicated that Mr. Olejnik was accused, inter alia, of offence against a public servant. On 5 October 2000, the investigator proposed a prosecution and on 27 November 2000, the District Court of Justice dropped it.

451. **Mads Traerup**, a Danish citizen, was reportedly detained on 26 September and charged with "assault of a public official". It is believed that during the first week and a half of imprisonment he was severely and repeatedly beaten.

452. The Government indicated that Mr. Traerup had been arrested together with another Danish citizen on 26 September 2000. He was accused of attempting an offence against a public servant. On 11 October the investigator proposed prosecution and on 14 November 2000, the District Public Prosecutor submitted an indictment. Another investigation regarding the subject was carried out by the competent police body and was concluded on 28 December 2000. No offence was proved on the part of the police officers.

453. **Scott Kelly** was reportedly arrested on 26 September on Moestecha Street next to Charles Bridge along with other demonstrators and taken to the central police station where he was slapped and his head smashed against a wall. He was allegedly kept in an overcrowded and cold basement cell until 28 September.

454. The Government indicated that no relevant information was found on this case. The allegation of ill-treatment would be examined by the competent authorities. From the written material, no complaint appears to have been lodged.

455. **Simon Bressendorff**, a Danish citizen, was reportedly arrested on 26 September close to the conference centre, thrown to the ground and repeatedly hit and kicked. He was reportedly first detained at the Hraskeho Street police station with 13 other people in a cell measuring about 6 m^2, where he reportedly had to crawl to avoid being kicked in the buttocks by the officers. He was reportedly later transferred to a smaller cell and held for five hours with 23 other people who had to stand on the benches and the table because there was insufficient room.

456. The Government indicated that he was arrested by officers of the Czech Republic Police on 29 September and released on 29 September 2000. A competent body of the Prague Administration and Management examined the facts. The investigation was concluded on 15 January 2001, with a report and no error on the part of the police was found.

457. Byeongju **Jeong**, a South Korean citizen working as an assistant professor at Charles University in Prague, was reportedly arrested at Stepánská Street, taken to Holosovice police station and beaten by police officers while boarding a bus to be transferred to Olsanka Street police station, from where he was reportedly released after being held in custody for 24 hours.

458. The Government indicated that Mr. Jeong was arrested at the Vokovice police station in Prague 6. His case was deferred in accordance with section 159, subsection 1 of the Code of Criminal Procedure owing to the fact that there was no evidence that an offence had been committed. That decision was cancelled by the District Public Prosecutor from the Public Prosecutor's Office in Prague 6 on the basis of the complaint made by Byeongju Jeong and the case must be reinvestigated. No decision has been taken on the case.

459. Arkadiusz **Zajackowskij** was reportedly kept in detention in the Ocelárská police station, where he is believed to have been interrogated and beaten by different groups of policemen, thrown from his chair and made to kneel throughout the whole night. He was reportedly hit with a gas mask, breaking one of his teeth. Fearing further ill-treatment, he allegedly signed a statement that the police had not used any violence against him.

460. The Government indicated that Mr. Zajackowskij was arrested at the Vysocany police station in Prague 9. The Police Inspection Unit examined the case, which was deferred in accordance with section 159, subsection 4, of the Code of Criminal Procedure. An unknown policeman had hit him in the basement of the police station with a gas mask and broke a part of his front tooth. A complaint was made to the Public Prosecutor at the District Public Prosecutor Office in Prague 3 and has not been decided yet.

461. **Jan Klír** was reportedly kept in detention in the Ocelárská police station, where he is believed to have been kicked and beaten by two policemen, resulting in a broken tooth. He was moved to an isolated corridor in the basement, where he was allegedly forced to kneel facing the wall.

462. The Government indicated that Mr. Klír was amongst those arrested at the Vysocany police station in Prague 9. Violence against him or others, except for Arkadiusz Zajackowskij, was not proved and the matter was deferred in accordance with section 159, subsection 1, of the Code of Criminal Procedure. None of the aggrieved lodged a complaint against the decision of 4 December 2000.

463. **Edward Lee Barner** was reportedly kept in detention in the Arabská police station, where he is believed to have been kicked and made to take off his clothes while officers allegedly abused him verbally and encouraged five other officers to watch.

464. The Government indicated that Mr. Barner was amongst those arrested at the Vokovice police station in Prague 6 for having attacked a traffic policeman whilst carrying out his duties, which was unconnected with the IMF or the World Bank. Other facts were examined by the competent body of Police District Headquarters in Prague 6. The inquiry was concluded on 1 February 2001 and no error was found on the part of the police.

465. **Michel Tretina** was reportedly kept in detention in the Arabská police station, where he was allegedly assaulted by about 10 policemen during his interrogation. Wearing only underwear, he is believed to have been slapped and thrown from a chair many times whilst the police officers allegedly taunted him.

466. The Government indicated that no relevant information was found on this case. The allegations would be examined by the competent authorities. From the written material, no complaint appears to have been lodged.

467. **Sylvia Yolanda Mach**, an Australian and United States dual national, was reportedly violently assaulted on the street by the police on 26 September. At the police station, she was allegedly handcuffed to benches and walls in completely immobilizing positions, threatened with toxic sprays and kicked in various parts of her body. Out of desperation, she reportedly jumped out the window, as a result of which she sustained various lesions. She was taken to a hospital where, when she reportedly screamed for painrelieving medicine, nurses allegedly held her mouth shut and shook her seriously injured leg. The incident is reportedly being investigated by the supervisory bodies of the police.

468. The Government indicated that Ms. Mach was arrested by officers of the Czech Republic Police on 26 September 2000 at 3.25 p.m. The competent body of the Prague Administration and Management examined the facts. The investigation was concluded on 29 January 2001 and no error on the part of the police was found.

469. **Martina Waibel** and **Sylvia Kronenberg**, two Austrian citizens, were reportedly arrested on 27 September near Charles Bridge by officers who allegedly grabbed their necks and pushed them to the floor, kicked them and took them to a police station. There they were reportedly intimidated, denied access to water and to the toilet. They were allegedly transferred to another police station and then asked to leave the country.

470. The Government indicated that the two women were arrested by officers of the Czech Republic Police on 27 September 2000 at 1.05 a.m. From the information available, it was not apparent that their personal integrity had been impaired by the officers. Their allegations would be examined by the competent authorities. They appear not to have lodged a complaint.

471. **Guiomar Vargas**, a Spanish citizen, was reportedly arrested on 28 September while he was taking part in a peaceful sit-in by a policeman who twisted his arm. At the police station, he was reportedly forced to stand facing a wall in a contorted position, searched and kept in a very small cell with 10 other detainees. He was reportedly denied access to a lawyer and was not allowed to go to the toilet.

472. The Government indicated that Mr. Vargas was arrested by officers of the Czech Republic Police on 28 September 2000 and released on the same day. From the information available, it was not apparent that his personal integrity had been impaired by the officers. His allegations would be examined by the competent authorities. He appears not to have lodged a complaint.

473. **Mirjam Junker** was reportedly put into a police vehicle on 27 September after a police officer twisted her arm behind her back. She was reportedly brought into the courtyard of a police station where she had to stand facing a wall, legs apart and with arms stretched above her head for hours. She was allegedly kicked and humiliated and forced to be photographed with her hooded top on. She was reportedly denied food and the possibility to make a phone call.

474. **Sonia Hale** was reportedly arrested on 26 September and taken to a police station in the suburbs of Prague where she was kept in an extremely cold room with eight other girls. There a policeman reportedly watched her when she went to the toilet. She was allegedly pushed, her necklace was ripped off, she was not allowed to sleep more than two hours and received insufficient food. She was allegedly transferred to a place on the outskirts of Prague where she was reportedly denied food, threatened, pushed, choked and prodded with batons, then to the immigration police station where she was reportedly pushed, shoved and strip-searched again.

475. The Government indicated that Ms. Hale was arrested by officers of the Czech Republic Police on 27 September 2000. The competent body of the Prague Administration and Management examined the facts. The investigation was concluded on 6 March 2001 and no error on the part of the police was found.

476. **Eva-Maria Mausberg**, a German national, was reportedly arrested on 27 September and hit on the left side of her face by a police officer at the police station while three other policemen allegedly watched. As a result, she was allegedly unable to hear properly for three days. She was allegedly also strip-searched by two women police officers and ordered to squat four times while naked, despite having explained that she was menstruating.

477. The Government indicated that Ms. Mausberg was arrested by officers of the Czech Republic Police on 27 September 2000 after 4.50 p.m. From the information, it was not apparent that her personal integrity had been impaired by the officers. Her allegations would be examined by the respective controlling authorities. She appears not to have lodged a complaint.

Democratic Republic of the Congo

478. Par une lettre datée du 21 septembre 2001, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas envoyés en 1998 et 1999 et pour lesquels aucune réponse n'avait été reçue.

Appels urgents

479. Le 6 février 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo en faveur de **Kamwanya Bora Uzima** qui aurait été arrêté le 20 janvier 2001 alors qu'il était en

transit à l'aéroport international de Kinshasa/Ndjijli à destination du Kenya où il comptait demander l'asile. Il serait détenu à l'immeuble du Groupe Litho Moboti (GLM) à Gombe, Kinshasa, par la Garde spéciale présidentielle. Il aurait été arrêté en raison de ses liens supposés avec l'ancien conseiller spécial en matière de sécurité de Laurent Désiré Kabila.

480. Le 22 février 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec la Représentante spéciale sur les défenseurs des droits de l'homme en faveur de Golden Misabiko, le Président de la section du Katanga de l'Association africaine des droits de l'homme, (ASADHO), qui aurait été arrêté le 5 février 2001, apparemment à cause de ses activités en faveur des droits de l'homme. Il serait détenu au centre dit du Groupe Litho Moboti (GLM).

481. Le 14 mars 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la liberté d'opinion et d'expression et le Président-Rapporteur du Groupe de travail sur la détention arbitraire en faveur de **Guy Kasongo Kilembe**, rédacteur en chef de l'hebdomadaire *Pot-Pourri*, qui aurait été interpellé le 28 février 2001 à Gombe, Kinshasa, par des éléments des services spéciaux de la police et aurait été transféré aux bureaux de l'Agence nationale de renseignements (ANR) le 6 mars. Il aurait reçu 50 coups de fouet et n'aurait pas eu accès à son avocat.

482. Le 17 juillet 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Président-Rapporteur du Groupe de travail sur la détention arbitraire en faveur de **N'sii Luanda Shandwe**, Président du Comité des observateurs des droits de l'homme, **Golden Misabiko Baholelwa**, Président de l'Association africaine de défense des droits de l'homme, et **Anne-Marie Kamwanya Masumbuko**, tous les trois détenus au secret au centre pénitentiaire et de rééducation de Kinshasa. Ils n'auraient pas encore été formellement inculpés. N'sii Luanda Shandwe aurait été arrêté chez lui le 2 juin 2001 par des officiers du service de sécurité de la Détection militaire des activités antipatrie (DEMIAP), interrogé pendant quelques heures et ensuite relâché provisoirement. On lui aurait ordonné de se présenter au DEMIAP le 4 juin, date à laquelle il aurait de nouveau été arrêté. Golden Misabiko Baholelwa aurait été arrêté le 5 février. Anne-Marie Kamwanya Masumbuko aurait été arrêtée le 1^er^ mars et interrogée trois fois sur le rôle supposé de son mari, le commandant Janvier Bora Kamwanya, dans l'assassinat du Président Kabila. Ils auraient été torturés à plusieurs reprises avant leur transfert au centre de détention et de rééducation de Kinshasa.

483. Le 16 août 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo concernant la déportation présumée illégale de 19 demandeurs d'asile originaires de la République Démocratique du Congo arrêtés à Brazzaville (République du Congo) le 28 janvier 2001 et déportés à Kinshasa le 23 avril 2001 à la demande expresse des autorités: **Materanya Kasisi Henri, Marhegane Bishanvu Pascal, Baguma Safari Gervais, Balungwe Birhashwirwa Depho, Bugogero Kabona Marcelin, Munganga Ndjaki André, Yenga Muhindo Georges, Bakenga Kakomere Cyprien, Companyi Kizito Yves, Bashizi Mufungizi Yamaki, Bahaya Maheshe Bernard, Malekera Balol'Ebwami Vital, Basole Baziraboba Théodore, Bisimwa Cubaya Jimmy, Cikuru Chambu Marcelin, Kikuni Longoma Justin, Muzima Mwenyezi Césaire, Balegamire Bafunyembaka Joseph** et **Kashindi Mubone Elias**. Ces personnes auraient quitté la République démocratique du Congo

entre octobre et novembre 2000. À leur arrivée au Congo, elles auraient effectué une demande d'asile aux bureaux du Haut Commissariat des Nations Unies pour les réfugiés à Brazzaville. Le 28 janvier 2001, elles auraient été arrêtées à leur domicile à Brazzaville par la police qui ne possédait apparemment pas de mandat d'arrestation. À leur arrivée, elles auraient tout d'abord été détenues au centre de détention de l'Agence nationale de renseignements (ANR) avant d'être transférées au Pavillon 1 du centre de rééducation pénitentiaire de Kinshasa, où le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo les a rencontrées dans le cadre de sa dernière mission. Elles l'ont informé des tortures qu'elles auraient subies. Elles continueraient à être détenues au secret.

484. Le 17 août 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo, du Président-Rapporteur du Groupe de travail sur la détention arbitraire et de la Représentante spéciale sur les défenseurs des droits de l'homme en faveur de **Constant Thsibadi Matambwa Kadinga**, Président local des Forces novatrices pour l'union et la solidarité (FONUS), parti politique d'opposition, qui aurait été arrêté le 28 juillet 2001 et **Maguy Edonbo Kalombo**, qui serait menacée d'arrestation. À son arrivée au sous-commissariat, Constant Kadinga aurait été transféré aux bureaux de l'inspection provinciale de la police de Kinshasa à Lingwala. En raison de la visite du Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo dans ces mêmes locaux, il aurait été transféré dans la matinée du 28 juillet au commissariat de Lemba. Il aurait été de nouveau transféré le 2 août au sous-commissariat de Selembao où il resterait détenu jusqu'à ce jour dans des conditions d'hygiène déplorables et sans être autorisé à recevoir de visite.

485. Le 27 août 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec les Rapporteurs spéciaux sur la situation des droits de l'homme en République démocratique du Congo et sur la violence contre les femmes, y compris ses causes et ses conséquences et le Président-Rapporteur du Groupe de travail sur la détention arbitraire en relation à des incidents qui se seraient déroulés le mercredi 15 août 2001 au marché central de Kinshasa. Suite au décès lors de son arrestation d'un enfant de la rue soupçonné de vol, d'autres auraient saccagé le bureau du commissariat de police du marché central, dont le commandant aurait été grièvement blessé. Des policiers militaires auraient ensuite procédé à l'arrestation d'au moins 420 enfants de la rue, âgés de 2 à 17 ans. Certains auraient été amenés aux services spéciaux de la police Kin Maziere et d'autres à l'état-major du commandement du bataillon mobile Kin Ouest de la police près de l'hôpital général de Kinshasa. La nuit du mercredi 15 août 2001, sur instruction du gouverneur *ad interim* de la ville de Kinshasa, des patrouilles de la police auraient procédé à l'arrestation d'autres enfants qui auraient été conduits à l'Inspection provinciale de la police de Kinshasa (IPK). Le 16 août 2001, à l'issue d'une réunion entre le gouverneur a.i. de la ville et une organisation non gouvernementale (ONG) appelée "ECO/ASBL", plus ou moins 366 enfants de la rue, dont une soixantaine de filles, auraient été conduits au siège de cette ONG dans la commune de Ngaliema en vue d'être transférés au site Mitendi, ce site devant être réaménagé à cet effet par le Gouvernement. Plusieurs filles qui faisaient partie de ce groupe auraient fait l'objet de harcèlements sexuels, et certaines d'entre elles auraient même été violées par des membres de la police.

486. Le 13 septembre 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur la situation des droits de l'homme en République démocratique du Congo en faveur du gérant de l'hôtel Tanko à Mbuji-Mayi, dans la province du Kasaï oriental, qui se trouve être le fils du propriétaire, M. Nkolongo, et du réceptionniste de l'hôtel qui auraient été arrêtés par des militaires qui les auraient expulsés de l'hôtel le 1^er^ septembre 2001 pour avoir refusé de payer leur loyer, qui devait être pris en charge par la Minière de Bakwanga (MIBA). Les deux employés de l'hôtel auraient été emprisonnés dans le cachot militaire de Nsele avant d'être transférés à la prison de l'ANR.

487. Le 21 septembre 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec les Rapporteurs spéciaux sur la situation des droits de l'homme en République démocratique du Congo et sur les exécutions extrajudiciaires, sommaires ou arbitraires en faveur de **Wozango Lele Kongbo**, chef d'escadron, **Gerengbo Ngakola**, sous-lieutenant, **Iluku Isofa**, adjudant, **Kpakasa Ngazali, Kayekwe Ngoysu, Jean Ngat, Kesangana Mafu**, majors, et **Yangba Samuluma**, un civil, qui auraient été condamnés à la peine capitale par la Cour d'ordre militaire de Liskai, Katanga, le 13 septembre 2001. Ils auraient été condamnés pour "complot visant à changer le régime constitutionnel" et "trahison par connivence". Leurs aveux auraient été obtenus sous la contrainte et les accusés n'auraient pas eu accès à leurs avocats durant le procès.

Djibouti

488. Par une lettre datée du 21 septembre 2001, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas transmis en 1999 pour lesquels aucune réponse n'avait été reçue.

Ecuador

489. Con fecha 30 de agosto de 2001, el Relator Especial, conjuntamente con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias, notificó al Gobierno que había recibido información sobre el siguiente caso.

490. **Elías Elint López Pita** habría sido detenido en el control policial de la carretera Panamericana Norte en Ambato, provincia de Tungurahua, el 6 de noviembre de 2000, y trasladado a la principal comisaría de policía de Ambato, donde habría sido visto por última vez el 7 de noviembre de 2000. Le habrían visto esposado, con los ojos vendados y con signos de haber sido golpeado. El 7 de noviembre de 2000, **Luis Alberto Shinin Lazo**, quien habría estado junto con la víctima durante su detención, declaró ante el Fiscal que Elías López había sido golpeado por agentes de la policía. El 14 de noviembre de 2000, Luis Shinin habría sido secuestrado, disparado y arrojado por un acantilado por hombres armados no identificados. Habría sido rescatado y llevado con graves heridas al hospital de Guaranda, donde fue nuevamente secuestrado. Desde entonces no se le habría vuelto a ver. Ocho agentes de policía habrían sido detenidos en relación con la desaparición de Elías López y de Luis Shinin.
Los testigos de la desaparición de Elías López y de Luis Shinin han sido objeto de intimidación y amenazas. Un agente de policía habría sido amenazado y obligado a declarar, ante el fiscal a cargo del caso, que el 6 de noviembre de 2001 nadie había sido detenido en el control policial de la carretera Panamericana Norte pese a haber estado en ese control en aquel momento. Otros dos

agentes de policía, Raúl Sailema León y Norberto Benedicto Rojas López, temerían posibles represalias porque estarían dispuestos a declarar contra sus colegas en el juicio. El 8 de febrero de 2001, el conductor de autobús que habría presenciado la detención de Elías López, Jorge Sánchez, habría informado de que había estado recibiendo amenazas de muerte de agentes de policía tras haber prestado declaración. Asimismo, trabajadores del hospital en el que Luis Shinin recibió tratamiento médico habrían expresado temor por su vida: Ramiro Escudero, médico, Luisa Lombeida, trabajadora social, Héctor Rea, portero del hospital, y Carlos Pasto, miembro del personal hospitalario.

491. Por carta de fecha 30 de agosto de 2001, el Relator Especial recordó al Gobierno varios casos que le había transmitido en 1999 y respecto a los cuales no había recibido respuesta.

Egypt

492. By letter dated 15 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

493. **Ahmad Mahmud Mohammad Hamed**, a 14-year-old schoolboy, and his brother **Mustafa** were reportedly arrested on 26 March 2000 by police officers at their home in the Hassan Salih district of al-Zaqaziq, and, along with a teenage friend, were taken to the police station of al-Zaqaziq's second precinct where all three were said to have been ill-treated. They allegedly signed confessions of theft as a result. During interrogation, Ahmad Mahmud Mohammad Hamed was reportedly blindfolded, suspended by his knees on a horizontal pole, whipped and subjected to electric shocks for about 30 minutes.

494. **Mustafa Hassan**, a 70-year-old man, reportedly went to Ramla police station, Alexandria, on 15 November 1999 to take food for his detained son. He was reportedly taken to an upstairs office in the police station, where his legs were said to have been tied to a stick and the soles of his feet whipped. Upon his release the following day, an officer allegedly warned him not to report the incident. Several days later, after having been discharged from hospital, he reportedly filed a complaint with the Public Prosecutor.

495. **Khaled 'Abd al-Latif**, a 17-year-old high school student, was reportedly arrested along with 28 others, including **Samir 'Abd al-Nabi 'Abd al-Magid** and **'Abd al-'Aziz Sa'ad**, two other teenagers, at the end of November 1998 in Kum al-Ahmar, near Cairo, and detained incommunicado at the State Security Investigation (SSI) department in Giza, where several of them were reportedly beaten, suspended by the limbs for prolonged periods and given electric shocks on sensitive parts of the body before being transferred to prison. The State Security Prosecution is said to have closed the investigation against the detainees in August 1999 and ordered their release. Nonetheless, Khaled 'Abd al-Latif reportedly continues to be detained in Damanhour prison, in the Delta region, where detention conditions are said to be poor.

496. **'Issam al-Sayid al-Bakri**, a baker, and his wife, **Nadhira Zeinhum al-Nadi**, his brother, **Qasim al-Sayid al-Bakri**, and his mother, **'Aliya Yusuf Sa'id,** were reportedly arrested at their home on 21 November 1999 by plain clothes police officers and taken to al-Zawiya al-Hamra' police station in Cairo on suspicion of theft. Qasim al-Sayid al-Bakri and his mother were said to have been beaten during arrest and in detention. At the police station, Nadhira Zeinhum was

allegedly suspended by her arms from a door, had a stick tied to her legs and was suspended by it, and was severely whipped, in front of officers, including the chief officer. Her husband was reportedly severely beaten and given electric shocks. Nadhira Zeinhum al-Nadi and her mother-in-law were reportedly released two days later and filed a complaint with the Public Prosecution. 'Issam al-Sayid al-Bakri was reportedly moved to different locations to conceal his whereabouts, and released on 28 November 1999.

497. **Mohammad Badr al-Din Gom'a Isma'il** was reportedly detained and subjected to electric shocks, and suspended from a door at the al-Muntaza police station, Alexandria, on 1 September 1996, after having been accused of the murder of his nine-year-old daughter who had gone missing in February 1996. The following day his ex-wife, **Intissar 'Abd al-Galil Gad**, was also reportedly detained and beaten with a stick on her legs. As a result, Isma'il reportedly confessed to having killed his daughter, who reappeared on 12 November 1996. Subsequently, the police reportedly detained both mother and daughter for about 13 days, accused Mohammad Badr al-Din Gom'a Isma'il of the murder of another girl and held him until 19 April 1997, despite an order for his release. On 17 October 1998, the Alexandria Criminal Court reportedly acquitted Mohammad Badr al-Din Gom'a Isma'il, found that a confession had been extracted under torture and referred the investigation into the involvement of 13 police officers in the torture to the Public Prosecutor's Office.

498. By letter dated 31 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

499. **Shahhata Sha'ban Shahhata** was reportedly arrested on the night of 28 October 1999 in his workshop in central Cairo, placed in the custody cell at Qasr al-Nil police station in Cairo where a fight reportedly broke out between detainees the following evening, and taken out of the cell by a police officer for half an hour. He reportedly died soon after he was returned to the cell, after having sustained injuries on his body, including bruises on the arm, abdomen and legs, allegedly caused by a cane, and after receiving a trauma to the left testicle which resulted in circulatory and respiratory failure. When two of his brothers insisted on seeing him at the police station, officers reportedly struck them over their heads with shoes.

500. **Farid Shawqi 'Abd al-'Al** was reportedly taken from his home to al-Ramla police station in Alexandria on 23 September 1999. The following day, his father was informed that his son had committed suicide by hitting his head against a wall. He was reportedly threatened that his son would be buried without any family members present. On 27 September, he reportedly filed a complaint with the Public Prosecutor's Office. On 28 September, an autopsy was carried out which allegedly concluded that the cause of death was asphyxia caused by strangling, and which noted signs of whipping injuries. In November 2000, police officers were reportedly charged with torture. On 7 January 2001, the trial of four police officers is said to have begun before the Alexandria Criminal Court. Since the trial opened, his relatives are said to have received anonymous telephone threats.

501. The Special Rapporteurs have received further information on **Ahmad Ibrahim al-Sayid al-Naggar** and his co-defendants, on behalf of some of whom the Special Rapporteur on torture had sent an urgent appeal on 5 August 1999 (see E/CN.4/2000/9, para. 381). More than a dozen

defendants in the so-called ''Returnees from Albania trial'', including **Ahmad Ibrahim al-Sayid al-Naggar, Shawqi Sallama Mustafa, Mahmud al-Sayid 'Ali al-' Aqabawi, Sabri Ibrahim al-Ahmar al-'Attar, Hani Ibrahim al-Gundi, 'Abdallah 'Allam Hashim, 'Issam 'Abd al-Tawab Abd al-'Alim, Mohammad Hassan Mahmud Hassan Teta, Mohammad Hussein Mohammad 'Abd al-Dayim, Ibrahim 'Abd al-Badi' Hassan Imam, Sa'id al-Sayid Sallama Khalid, Ahmad Isma'il Othman** and **Sharaf 'Ali Isma'il 'Ali al-Basil,** were reportedly tortured, including receiving electric shocks to their genitals, while held in pre-trial detention at SSI branches. Verdicts in the cases were reportedly given on 18 April 1999 by the Supreme Military Court. Ahmad Isma'il 'Othman and Ahmad Ibrahim al-Sayid al-Naggar, who had been sentenced to 15 years' and life imprisonment respectively in 1999, had reportedly asked in court to be referred to a forensic doctor. In February 2000, they were said to have been executed, having been sentenced to death in absentia by military courts in previous trials.

502. By letter dated 10 August 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual case.

503. **Carsten Jurgensen**, a researcher for Amnesty International in London, was reportedly assaulted by four plain clothes men believed to have been security police officers or to have been acting with the complicity of security police officers when he visited the polling station of the Khalid Ben al-Walid school in the parliamentary election district of Shubra al-Khaima/Da'irat al-Ula on 14 November 2000. He was reportedly asked to hand over his video camera. When he refused, about seven men in plain clothes are said to have dragged him off to a side road, to have pushed him to the ground and to have repeatedly punched and kicked him in the head and shoulders. He reportedly asked to talk to a senior officer to report the attack but to no avail.

504. By letter dated 21 August 2001, the Government replied that a follow-up was made difficult by the absence of a written statement on Carsten Jurgensen's part confirming the injuries sustained, and describing the assailants, including whether they were members of the police or election officials. In the absence of such a statement, it was impossible to pursue the investigation, and to apprehend and prosecute the assailants. If he had notified the authorities of his intention to visit the electoral commission, special guards would have been assigned to protect him. The incident might have fallen solely within the context of quarrels between supporters of various candidates.

505. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual case.

506. **Salha Sayid Qasim**, a housemaid, was reportedly taken from the house of one of her employers to Giza police headquarters by two plain clothes security officers on suspicion of burglary on 3 March 2000. There, she was reportedly blindfolded, whipped with a stick on her back, legs and head, and threatened with gang rape. The next day, she was allegedly given electric shocks and beaten severely on her body, including the head, with a stick for over an hour in order to extract a confession. She was reportedly released on 4 March 2000 without charge. On 13 March 2000, a complaint was reportedly filed with the Public Prosecutor's Office.

Urgent appeals

507. On 17 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the independence of judges and lawyers and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of at least 56 persons, amongst them **Yasser Mohamed Salah, Kamal Hakim Yacob, Mohamed Mahmoud Mourad, Ashraf Mohamed El-Zanaty, Nabil Fouad Bekhit, Adel Abdelnaby Amin, Ahmad Fahmy Azziz, Alaa El-Sayed El-Sawy, Hatem Ibrahim Mohamed, Amir Aly Kollaly, Mohamed Fath Allah Ibrahim, Ahmed Mostafa Mohamed, Gamal Salam Saied, Mohamed Abdel Azeim Abdel Wahab, Atef Abdel Azeim, Waael Osman Serag, Farhan Mansour Metwalli, Walid Ismail Hasanein, Magdi Mohamed Ahmed, Ashraf Salah Shahin, Abdel Salam Mohamed Taha, Hani Said Ayoub, Sayed Mohamed Abdel Mottalib, Mohamed Elsayed Ibrahim, Sayed Ahmed Kamal Hussein, Hamada Said Ahmed, Sherif Said Hilmi, Fouad Mohamed Abdel Rahman, Adel Mohamed Abdel Wahab, Mohamed Ghazi Hamid, Mahmud Abdel Fattah Ibrahim, Ahmed Mahmoud Amin, Samir Eissa Mohamed, Hesham Mohamed Elsaidi, Amr Mohamed Awad, Ahmed Awwad Mahmoud, Amgad Saleh Salib, Ahmed Samir Abdel Rahman, Mohamed Fathi Ibrahim, Nagi Abdalla Abdelhafeez, Hani Fathi Elshahat, Osama Mohamed Eid, Mohamed Kamal Abdelrazek, Moawwad Ismail Ibrahim, Abdalla Gamal Soleiman, Amr Ramadan Khattab, Mohamed Fathi Mohamed, Walid Elmohammadi Mustafa, Mohamed Reda Ahmed, Wael Abdelrahman Mohamed, Yehya Abbas Mayhoub, Ayman Anwar Mousa, Mohamed Ali Osman, Sherif Hosni Mousa and Mahmoud Ahmed Allam,** who had reportedly been arrested on 10 May 2001 during a raid by police in Cairo of the discotheque "Queen Boat," on a boat moored in the Nile in Zamalek district. The police reportedly targeted men who appeared to them to be homosexual or who were not accompanied by women. The detained men were reportedly driven to the vice squad headquarters in Abdin police station, where they were said to be held in incommunicado detention. They were reportedly interrogated for at least two days by the High State Security Prosecution Office. Furthermore, it was reported that they were subjected to an anal forensic medical examination by the State Security authorities, which was allegedly intended to be used as "proof" of homosexuality. They have reportedly been transferred to Tora prison. Officials of the High State Security Prosecution Office reportedly stated that the men would be charged with "exploiting religion to promote extreme ideas to create strife and belittling revealed religions". It is believed that the defendants will be made to stand trial before a State Security court, whose rulings would reportedly not be subject to appeal.

508. By letter dated 21 August 2001, the Government replied that the Department of State Security Prosecutions undertook an investigation concerning members of the illegal organization Wakalat Allah, Rabb ul-Junoud (the Agency of God, the Lord of Hosts), which was encouraging young people to embrace its ideology based on an erroneous interpretation of some verses of the Koran. All measures taken against them were in accordance with the regulations concerning remand in custody pending investigation, contrary to the allegations to the effect that they were detained illegally or questioned without lawyers being present. Since Egyptian law contains no provision that designates sexual perversion as a criminal offence, the group was officially charged with showing contempt for religion and engaging openly in debauchery. The youngest member was put on trial separately as a juvenile in August 2001.

509. On 26 September 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Farid Zahran**, a leading activist with the Egyptian People's Committee for Solidarity with the Palestinian Intifada, who had reportedly been arrested by plain clothes security officers on 20 September 2001. It was reported that he was held incommunicado at SST headquarters Lazoghly Square until the following evening, when he was brought before the State Security Prosecution, which deals with offences related to national security. It is reported that the State Security Prosecution accused him of "disturbing public security" and "organizing public assemblies", and ordered him to be detained for 15 days. He was then reportedly held at Mazra'at Tora prison and had not been formally charged. Furthermore, Farid Zahran underwent heart surgery in 1998 and was reportedly scheduled to have a heart bypass operation this year. It is believed that in prison he has not yet been seen by a doctor, despite repeated requests by his lawyers.

510. By letter dated 15 October 2001, the Government indicated that Mr. Zahran's arrest and search of his home, where a number of publications inciting the public to disturb public security and breach of the law were found, had been authorized by the Department of State Security Prosecution on 20 September 2001. He was detained for 15 days pending investigation. On 4 October 2001, he was released on bail. He did not lodge any complaints concerning his state of health in detention, and there was no evidence that a physician was prevented from visiting him.

511. On 7 November 2001, the Special Rapporteur sent an urgent appeal on behalf of three dual nationals of Egypt and Bosnia and Herzegovina, **Abd Al-Halim Hassanayn Kharagy**, **Al-Sharif Hassan Saad,** and **Ussama Farag Allah**, who had reportedly been forcibly returned to Egypt from Bosnia and Herzegovina on 6 October 2001 and were believed to be held incommunicado at the SSI department in Cairo. Al-Sharif Hassan Saad and Ussama Farag Allah had reportedly both been arrested on 19 July, the latter on charges of giving the authorities false information about his identity, and detained in Sarajevo district prison.

Equatorial Guinea

512. Por carta de fecha 17 de octubre de 2001, el Relator Especial recordó al Gobierno varios casos que le había transmitido en 1998, conjuntamente con el Representante Especial sobre la situación de los derechos humanos en Guinea Ecuatorial y respecto a los cuales no había recibido respuesta.

Llamamiento urgente

513. El 20 de septiembre de 2001, el Relator Especial envió un llamamiento urgente conjuntamente con el Representante Especial sobre la situación de los derechos humanos en Guinea Ecuatorial sobre **Emilio Ribas Esara** y **Gregorio Bomuagasi**, quienes cumplen la condena en la cárcel de Evinayong por los hechos del 21 de enero de 1998, cuando un grupo armado de civiles atacó algunos puestos militares o policiales. Los dos se encontrarían ingresados en el hospital de Bata pendientes de ser sometidos a una operación quirúrgica.

La operación no se habría podido llevar a cabo porque se exigiría de los detenidos el pago de 100.000 francos CFA para dicha operación así como el dinero para los medicamentos y material necesarios para la intervención. Por falta de recursos económicos, no habrían sido todavía atendidos en el hospital de Bata.

Eritrea

514. By letter dated 17 September 2001, the Special Rapporteur reminded the Government of a number of cases transmitted in 1999 regarding which no reply had been received.

Urgent appeals

515. On 29 October 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of **Petros Solomon, Ogbe Abraha, Haile Woldetensae, Mahmud Ahmed Sheriffo, Berhane Ghebre Eghzabiher, Saleh Kekiya, Aster Fishatsion** (f), **Hamid Hamid, German Nati, Estifanos Seyoum** and **Beraki Ghebre Selassie,** who had reportedly been arrested on 18 and 19 September 2001. It was believed that they were held in incommunicado detention without charge. The 11 persons named above are said to be part of a group of 15 senior officials who have in recent months been publicly critical of government policies. Ogbe Abraham reportedly suffers from asthma and Haile Woldetensae is diabetic.

Ethiopia

516. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual case.

517. **Between 2,000 and 3,000 students** from Addis Ababa University, who were reportedly arrested in April 2001 following a riot in the capital and on behalf of whom the Special Rapporteur had sent an urgent appeal on 24 April 2001, were allegedly released on 26 April 2001. According to further information received, they had been held at the police training college in Sendafe, where they were allegedly subjected to sleep deprivation, forced to roll naked over gravel and to do physical exercises in sweltering heat.

518. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997 and 1999 regarding which no reply had been received.

Urgent appeals

519. On 26 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the freedom of opinion and expression on behalf of **Mohammad Jamal, Tita Gonfa, Dula Raggasa**, **Derese Furgasa**, **Badada Bayene**, **Damte Danye, Tolasa Dabala,** and **Tuli Bayisa** and up to 150 Oromo students from Addis Ababa University who were reportedly arrested by a special police unit on 22 December 2000. They were reportedly held

incommunicado at Maikelawi police investigation centre and Holeta and Sendafa army camps, without proper medical care. Only 18 of these individuals were brought to court and charged within 48 hours, as required by law. It is believed that most of the students were beaten upon arrest.

520. On 26 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **hundreds of civilian demonstrators, including students from Addis Ababa University and from secondary schools**. It is reported that hundreds of people, some of whom are believed to be as young as 11 years of age, have been arrested and are being detained incommunicado in unknown locations following riots which are said to have taken place in Addis Ababa on 17 and 18 April 2001. Since the early morning of 19 April, security forces have allegedly been raiding church compounds and mosques, where demonstrators were believed to have sought refuge. Furthermore, it was reported that more than 40 politicians, members of opposition political parties, including the SecretaryGeneral of the Ethiopian Democratic Party (EDP), **Lidetu Ayalew** and two members of the EDP Central Committee, **Tamerat Tarakegn** and **Tadeos Tantu**, as well as members of the All-Amhara People's Organization (AAPO), were arrested. The Government has reportedly accused the opposition of trying to exploit the situation, and has issued a statement warning "certain political groups and other groups who claim to be advocates of human rights" to "refrain from…promoting anarchy in the city". It is believed that the security forces shot at, beat and kicked demonstrators during the riots, as a result of which some 40 people have been killed and over 250 injured.

521. On 28 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **Lidetu Ayalew**, **Tadiwos Tantu**, **Daniel Demissie** and **Sebsibie Yimer**, all EDP members. They had reportedly been arrested on 24 June 2001 and were currently detained at Shewa Robit prison, some distance from Addis Ababa. It was believed that they have not been charged or brought to court, in contravention of Ethiopian law, which reportedly states they should be brought to court within 48 hours. They were said to be held in incommunicado detention in overcrowded and unsanitary conditions. Further information was transmitted regarding the situation of persons referred to in the previous urgent appeal (see above): Daniel Demissie and Sebsibie Yimer are said to have been released at the beginning of May on bail but without charge; Lidetu Ayalew was reportedly released unconditionally at the beginning of June; Tadiwos Tantu was released on bail without charge at the beginning of June.

522. By the same urgent appeal, the Special Rapporteur also intervened on behalf of **26 members of the AAPO** who were said to be detained without charge and with no access to a lawyer. They were believed to be held in overcrowded and unsanitary conditions, and many were reported to be ill as a result. It was believed that they were not receiving appropriate medical attention. A number of students and other demonstrators arrested on 19 April 2001 were allegedly also detained without charge and with no access to their lawyers.

523. By letter dated 16 July 2001, the Government indicated that the EDP members Lidetu Ayalew, Tadiwos Tantu, Daniel Demissie and Sebsibie Yimer had been detained for their involvement in riots that took place in Addis Ababa. They and some members of the AAPO were accused of instigating and participating in the riots, and some were caught in flagrante delicto. No student was detained in connection with the riots. Owing to the gravity of the crime,

the police had not completed its investigation, and the court ordered the detainees to remain in custody. The above-named were detained with full respect for their physical and mental integrity, were visited by their relatives and were represented by legal counsel of their own choice.

El Salvador

524. Por carta de fecha 21 de septiembre de 2001, el Relator Especial recordó al Gobierno varios casos transmitidos en 1996 respecto a los cuales no había recibido respuesta.

France

Appels urgents

525. Le 31 août 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Mafhoud Brada**, un ancien officier de l'aviation algérienne qui aurait déserté l'armée en 1990 après avoir refusé d'obéir à des ordres de commettre des actes de torture envers des civils. Sa demande de statut de réfugié aurait été refusée par l'Office français de protection des réfugiés et apatrides. En 1998, il aurait été condamné à huit années de réclusion pour un viol commis en 1995. Sa peine aurait été assortie d'une mesure d'interdiction du territoire d'une durée de 10 ans. La mesure d'éloignement exécutoire du territoire français aurait été prise par un arrêté du 23 mai 2001 par la préfecture de l'Indre et serait exécutable à compter de sa libération, soit le 29 août 2001. Un recours en annulation de l'arrêté d'expulsion exécutoire aurait été déposé auprès du tribunal administratif de Limoges. Depuis son départ d'Algérie, des membres de sa famille auraient été menacés en relation avec le fait qu'il aurait déserté l'armée. Un de ses frères serait mort lors d'une garde à vue dans les locaux des services de sécurité algérienne.

526. Par une lettre datée du 20 septembre 2000, le Gouvernement a confirmé que Mahfoud Brada faisait l'objet d'un arrêté de reconduite à la frontière en date du 23 mai. Le 29 août 2001, date de la fin de sa peine privative de liberté, la mesure avait failli être exécutée. Toutefois, en raison de l'opposition manifestée par Mahfoud Brada, ce dernier avait été déféré devant le Tribunal de grande instance de Châteauroux pour soustraction à l'exécution de cette mesure de reconduite à la frontière. Il avait été alors placé en détention provisoire dans l'attente du jugement de l'affaire sur le fond, prévu le 18 octobre 2001. Le Gouvernement a précisé qu'un recours devant le Tribunal administratif de Limoges avait aussi été déposé. Un recours en référé à caractère suspensif contre l'arrêté avait été accueilli favorablement par le tribunal administratif. Le Gouvernement a indiqué qu'il tiendrait au courant le Rapporteur spécial des suites de cette affaire.

Suite donnée aux plaintes signalées dans des communications précédentes

527. Par une lettre datée du 14 décembre 2001, le Gouvernement a répondu à des cas individuels envoyés par le Rapporteur spécial en octobre 2000 (voir E/CN.4/2001/66, par. 496 et 497).

528. Concernant Françoise Grimaldi et Eric Daubert, le Gouvernement a confirmé leur interpellation en état d'ivresse avancé et faisant preuve d'un comportement agressif envers des fonctionnaires de police dans la nuit du 11 au 12 août 1999. Leur interpellation et transfert au commissariat s'étaient néanmoins passés sans incident majeur, les policiers ne faisant usage de la force que d'une manière strictement proportionnée à leur comportement. La blessure de Françoise Grimaldi était survenue au commissariat dans des conditions purement accidentelles en raison de son imprégnation alcoolique. Le médecin présent sur les lieux a confirmé l'état éthylique avancé des deux personnes, les a visitées plusieurs fois dans la nuit et a confirmé l'absence de violence de la part des fonctionnaires de police. La plainte déposée par les plaignants a été classée sans suite par le Procureur de la République après enquête.
Le Gouvernement a précisé que les plaignants avaient été avisés de cette décision et de leur faculté de se constituer partie civile devant le doyen des juges d'instruction.

529. Concernant Gaël Le Pinic, le Gouvernement a indiqué que, supportant mal sa détention, il s'était rebellé le 9 septembre 1999 et que l'usage des menottes avait été nécessaire afin de le maîtriser. Le Gouvernement a précisé qu'une information judiciaire était en cours, suite au dépôt, le 21 septembre 1999, d'une plainte auprès du Tribunal de grande instance de Créteil pour violences et que l'affaire était en voie de règlement par le parquet. Le Gouvernement a aussi précisé que le plaignant avait été examiné par des médecins à trois occasions lors de son placement au quartier disciplinaire et qu'aucune trace de coups ou de blessures n'avait été signalée. Gaël Le Pinic avait été transféré le jour même à l'établissement public de santé national de Fresnes où, à son arrivée, il avait été examiné par un médecin. Un examen médical pratiqué le 22 septembre 1999, suite au dépôt de plainte, avait révélé des cicatrices au niveau de la poitrine, des bras et de l'oreille gauche, requérant une incapacité de travail de 10 jours.
Le 7 octobre 1999, le premier surveillant a été mis en examen du chef de violences volontaires ayant entraîné une incapacité temporaire de travail de plus de huit jours sur personne vulnérable par dépositaire de l'autorité publique et placé sous contrôle judiciaire. Il avait par ailleurs fait l'objet d'une suspension administrative. Le 22 février 2000, deux autres surveillants ont été mis en examen. Cependant, ils nient avoir porté des coups sur Gaël Le Pinic. Finalement, le Gouvernement a précisé que dès le 22 septembre 1999, ce dernier avait été transféré à la maison d'arrêt de Paris La Santé.

Gambia

530. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no reply had been received.

Urgent appeals

531. On 23 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Lamine Sillah**, the Secretary-General of the Gambia section of Amnesty International, who had reportedly been arrested by four officers from the National Intelligence Agency (NIA) at Amnesty International's offices on 22 October 2001. He was believed to be held incommunicado at the headquarters of the NIA in Banjul. He was allegedly arrested because of an interview he gave on 21 October to the British Broadcasting Corporation World Service's "Focus on Africa" programme, in which he mentioned a violent incident which took place after

the results of the 18 October presidential election were announced, and the need for restraint by the security forces. He also took part in a talk show on reconciliation broadcast on a national radio station that day.

532. On 25 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Dr. Moudou Manneh**, an opposition politician, and **at least 10 other opposition politicians** who were reportedly arrested following the announcement of President Yayha Jammeh's electoral victory on 19 October. Dr. Moudou Manneh, a member of the opposition coalition which contested the presidential elections, was a minister in the previous Government of President Jawara. A police statement reportedly indicated that 13 people had been arrested for public order offences and for disturbing the peace. Dr. Moudou Manneh was believed to be held incommunicado at the headquarters of the NIA in Banjul.

Georgia

533. By letter dated 3 September 2001, the Special Rapporteur advised the Government that he had received information according to which there are severe problems of overcrowding, malnutrition and unsanitary conditions in cells holding detainees awaiting trial. Most prisoners are said to sleep in shifts and mattresses or blankets are believed to be lacking in most cells. It is believed that the overcrowding problem is due largely to the fact that non-custodial preventive measures provided for in the law, such as bail or house arrest, are not used by the judiciary. Resources are said to be lacking to provide elementary living conditions for detainees. In relation to the detainees' medical care, only experts with an appropriate licence are allowed to conduct examinations, but it is reported that legislation does not define rules and procedures for issuing this licence. In many cases, police officers and procurators are said to deny lawyers' requests for medical examinations. It is thus reportedly difficult to obtain an independent forensic medical examination. Access to lawyers is also said to have been subjected to restrictions by police or prison authorities. It is alleged that the law does not stipulate the period of time after which a person under arrest must have access to a lawyer. Prisoner-on-prisoner violence is reported to be widespread and to have been encouraged by prison personnel with a view to controlling the prison population. It is also reported that prison personnel have not been paid for months, which is believed to lead to corrupt practices. Finally, it is reported that journalists and non-governmental organizations are denied access to places of detention.

534. The Special Rapporteur also transmitted information concerning the following individual cases to which the Government responded by letter dated 5 November 2001.

535. **George Kitiashvili** was reportedly arrested by the Kutaisi municipal police on 21 June 1997, beaten upon arrest and subjected to electric shocks while in custody. He was reportedly sentenced to 17 years' imprisonment for involvement in a murder and a robbery, based on a confession said to have been extracted under torture. He allegedly served his sentence in the Rustavi colony and to have been subsequently transferred to the central prison hospital. After a cerebral trauma, his legs were reportedly paralysed and he is said to have shown signs of chronic internal haemorrhage. His case was allegedly referred to the relevant authorities on 13 July 2000, but to no avail.

536. The Government indicated that the municipal procuracy of Terjola district had instituted criminal proceedings against Mr. Kitiashvili for murder on 4 June 1997. During the process of preliminary investigation, which lasted 11 months, he never complained of either physical or moral coercion, so no inquiries were carried out. He undertook a medical examination, which did not reveal any injuries. On 29 June 1998, he was sentenced to 17 years of imprisonment.

537. **Guram Tkemaladze** was reportedly severely beaten by three traffic policemen on 8 August 1999 in Rustavi. As a result, he is said to have had teeth knocked out, to have required an operation to have a cranial haematoma and skull splinters removed, and to be disabled. The investigation has allegedly been completed, but only one of the policemen has been held responsible.

538. The Government indicated that on 17 January 2000, the procuracy of Rustavi district instituted criminal proceedings against the policemen of Rustavi municipal police department for abuse of authority. The investigation revealed that Guram Tkemaladze, who was driving when drunk at high speed, was made to stop his car by four police officers when he failed to stop the first time when requested to do so. One inspector exceeded his authority by punching Guram Tkemaladze in the chest several times and hitting him over the head with a truncheon, causing a slight degree of bodily injury. On 21 February 2001, the inspector was sentenced to two years' imprisonment by the circuit court of Rustavi.

539. **Otar Shengelia**, a judge of the regional court of western Georgia and former member of Parliament, was reportedly severely beaten by the Imereti regional police on the Kutaisi-Tzqaltubo highway on 16 January 2000, after his car accidentally hit a police car. The investigation of the incident is said to be under way.

540. The Government indicated that criminal proceedings had been instituted for grievous bodily harm against a number of policemen by the municipal procuracy of Tskaltubo on 20 January 2000. On 14 January 2000, three policemen of the Inereti regional police and their friend, being drunk, were driving to Kutasi where they had to stop because of problems with the car. Whilst they were repairing the car, Otar Shengelia drove past slowly, but two of the officers suddenly blocked his way, as a result of which he collided with their car. Upon hearing the noise of the impact, the third policeman lost consciousness. One of the officers, who thought he was dead, dragged Otar Shengelia out of his car and started beating and kicking him. As a result, he sustained haematomas on his neck and eyes, a brain trauma and concussion. On 16 June 2000, the officer was sentenced to three years' imprisonment by Tskaltubo district court.

541. **Lasha Kartvelishvili** was reportedly arrested in Tbilisi on 4 February 2000 on suspicion of having killed a policeman. He was allegedly severely beaten during interrogation, which took place in the absence of a lawyer. An independent expert was allegedly allowed to see him 25 days after his arrest. The chief of the Tbilisi criminal police reportedly claimed that the bruises were caused by a fall down the stairs. No investigation is said to have been carried out.

542. The Government indicated that on 3 February 2000, Mr. Kartvelishvili killed a police officer at the intersection of Barnov and Shanidze Streets. In August 2001, he was found guilty and sentenced to life imprisonment by the Supreme Court of Georgia. As the verdict is already

in legal force, the Government stated that it was not possible to check the allegations of ill-treatment during the process of investigation and admitted that the Supreme Court would probably take the relevant decision if ill-treatment had been proved at the hearing of the case.

543. **Manuchar Akhvlediani**, a member of the Kutaisi Sakrebulo (city council), was reportedly stopped while he was driving his car and severely beaten by the traffic police in Kutaisi on 16 February 2000. As a result, he was allegedly hospitalized with concussion and numerous other injuries.

544. The Government indicated that the procuracy of Kutaisi initiated criminal proceedings against police officers of the Kutaisi municipal police department for excess of authority on 17 February 2000. On 16 February, Manuchar Akhvlediani had been brought to the hospital with serious head injuries and concussion, which, according to statements, had been caused by traffic policemen beating him with truncheons in the street. Manuchar Akhvlediani stated on 21 February that he had been beaten, but could not recognize the perpetrators and the officers denied having beaten him. On 17 May 2000, the investigation was closed.

545. **Ghia Abdaladze**, a reporter of the *Dilis Gazeti* newspaper, was reportedly beaten by a police colonel and three policemen outside the Sports Palace in Tbilisi on 8 April 2000, while attempting to film the beating of several teenagers by the police, when they tried to force their way into a concert arranged by the Head of the Special Police Detachment. Ghia Abdaladze reportedly complained to the Saburtalo district police station and Procurator's Office, but no investigation is said to have taken place.

546. The Government indicated that on 18 April 2000, the procuracy of Saburtalo district of Tbilisi instituted proceedings against a policeman for beating the above-named. According to Mr. Abdaladze, the police officer smashed his camera and assaulted him while he was taking photos of a confrontation between the police and a number of young people. He sustained slight injuries. Upon being interrogated, Ghia Abdaladze stated, however, that he could not recognize the officer. A further inquiry was carried out but the guilty person could not be identified and on 18 July 2000, the investigation was closed.

547. **Nodar Saralidze**, a sergeant major of the Nadzaladevi-based military unit, was reportedly taken to Tbilisi military hospital in June 2000 with a fractured skull. It is alleged that he was severely beaten by two policemen.

548. The Government indicated that on 16 June 2000, criminal proceedings were instituted by the procuracy of Chugureti district against a policeman for abuse of authority. The investigation revealed that on 8 June 2000, policemen of the Chugureti region stopped a private taxi at a checkpoint on Khudadov Street, in which the above-named was returning to his military unit. A person dressed in a police uniform came up to him and assaulted them. The policemen separated them. Several minutes later, the same person caught up with Nodar Saralidze at the entrance to the military unit and hit him over the head with a heavy blunt object, causing serious injury. An investigation was held and witnesses interviewed, but the case was closed on 16 September when the perpetrator could not be identified. The procuracy of Georgia requested that the case be transferred to it in order to study the legality of the decision to close the case.

549. **Paata Skhirtladze**, who is allegedly connected to a spiritual group, was reportedly arrested on 20 June 2000. He was reportedly transferred to Ortachala investigation-isolation prison in Tbilisi, where he was subjected to ill-treatment, including the cutting of one of his ears, by other prisoners who believed he was responsible for a series of child murders. Law enforcement officials allegedly did not intervene. Paata Skhirtladze, who is said to be psychologically vulnerable, was reportedly sent to the Institute of Psychiatry for a psychiatric examination. It is believed that no charge has been brought in connection with this assault.

550. The Government indicated that on 19 August 2000, a prisoner in Tbilisi prison No. 5 cut part of Paata Skhirtladze's ear with a sharp object. Criminal proceedings were instituted against him by the procuracy for premeditated damage to health. On 2 October 2000, the case was sent to the Akhaltsikhe Investigation Department and joined with a previous robbery committed by the prisoner. On 22 June 2001, the criminal case against the prisoner was transferred to the circuit court of Akhaltsikhe and, as of 20 September 2001, the case was being heard.

551. **Basil (Vasilo) Silagadze**, a journalist for the *Ecodigest* newspaper, was reportedly forcibly taken to a suburb and beaten by unidentified persons on 24 July 2000. He was allegedly warned against writing critical articles about the Ministry of the Interior. Incisions were made in the fingers of his right hand. According to the information received, the Ombudsman requested the Minister of the Interior to investigate the beating of Basil Silagadze.

552. The Government informed the Special Rapporteur that criminal proceedings had been instituted on 26 July 2000. The investigation revealed that on 24 July and 6 September 2000, Mr. Silagadze had been taken to a suburb against his will and beaten by unidentified persons and, on 24 July, had an incision made in his hand. Numerous eyewitnesses were questioned, but the perpetrators could not be identified and the investigation was closed on 26 February 2001.

553. **David Sturua** was reportedly arrested in Tbilisi in September 2000 and subjected to a beating in the building of the Interior Ministry. According to the information received, he was burnt with cigarettes and subjected to electric shocks. A metal helmet was put on his head and he was clubbed on the helmet. He was reportedly examined by a doctor who reported several bruises and burns on his body. Doctors in the remand wards allegedly had registered the same injuries.

554. The Government indicated that on 17 October 2000 the Krtsanisi district procuracy instituted criminal proceedings against police officers of the Saburtalo district police station for abuse of authority. The investigation revealed that on 17 August 2000, police officers from the Department on Drug Trafficking and Organized Crime arrested David Sturua and two other persons. They were delivered to the Ministry of the Interior and charged with the illegal possession of weapons and narcotics. On 19 August 2000, a circuit court judge ordered them arrested. David Sturua stated that the police had placed the weapons and drugs into their pockets. On 6 November, the decision regarding David Sturua's arrest was reversed. The procurator of Krtsanisi district investigated the allegations of violence against them but failed to hold an identification parade because the men had left Kutaisi and avoided taking part in the investigation. The case was closed on 17 January 2001.

555. **Rezo Tsiklauri**, an invalid, was reportedly subjected to electric shocks in September 2000 while in police custody in the Tbilisi.

556. The Government indicated that Revaz Tsiklauri was found guilty of the illegal possession of weapons on 20 October 2000. He made no complaints about ill-treatment during the process of investigation or at the court hearings.

557. **Nika Gakharia**, aged 14, and **Valery Ostrovsky**, aged 15, arrested in Akhaltsikhe on theft charges, were reportedly beaten by police on 3 September 2000. They were allegedly kept in police custody until the end of September 2000. The Chairperson of the Parliamentary Human Rights Committee had reportedly noticed sole marks on their backs.

558. The Government indicated that criminal proceedings were instituted by the Akhaltsikhe district procuracy against three police officers from Akhaltsike District for beating the children on 22 September 2000. A criminal case was started as a result of complaints by the above-named and by N. Beridze. The investigation, based on the victims' complaints, revealed the commission of a crime, but during cross-examination, the boys changed their evidence and stated that the policemen had not beaten them. The beating could not be proved, and on 2 June 2001 the case was closed.

559. **Bachuki Sharvashidze**, **Dato Sokhadze**, **Zviad Tavkhelidze** and **Gia Portchkhidze** were reportedly ill-treated by around 10 police officers from the Tbilisi city police department in October 2000 to force them to confess involvement in a gang of robbers. On 31 October, a day after his arrest in Kutaisi, and until 3 November, Bachuki Sharvashidze, a registered invalid missing his right leg, was reportedly given electric shocks and beaten with fists and truncheons on his back, neck and shoulders by five or six men. Dato Sokhadze, a 38-year-old artist, was reportedly detained on 21 October 2000 and beaten with truncheons, given electric shocks and to have been drugged, over the course of seven days. Zviad Tavkhelidze was reportedly detained on 21 October 2000 and also beaten over seven days. Gia Portchkhidze was reportedly beaten in police custody from 31 October until 3 November 2000. The Special Rapporteur has been informed that on being transferred to pre-trial detention facilities in Tbilisi, all four retracted their earlier confessions. A special inspectorate of the Ministry of Internal Affairs reportedly studied their allegations in November 2000 but is said to have closed the case after two months owing to a lack of evidence. A complaint against the Chief of the Tbilisi police regarding the alleged incident has reportedly been lodged.

560. The Government responded that on 18 July 2000, the Tbilisi procuracy received materials from the general inspection of the Ministry of the Interior initiated by a lawyer's complaint, alleging that Bachuki Shervashidze, Dato Sokhadze, Zviad Tavkhelidze and Zviad Porchkhidze and others had been illegally arrested and physically abused by the Head of the Chief Department of the Ministry of the Interior and other officers. The results of the inquiries showed that the allegations could not be proved, and the court refused to institute criminal proceedings against the officers.

561. **Dmitry Anatolyevich Romanov** and his mother, **Lyubov Yegorovna Storozhenko**, were reportedly beaten in the 6th police station of the Gldani Nadzaladevi district police, Tbilisi, on 22 February 2001. Dmitry Anatolyevich Romanov was allegedly kicked, burnt with a cigarette on his forehead, beaten with the leg of a chair on his heels, shins and knee joints, and to

have been threatened with rape. His mother was reportedly hit in the face and insulted. Dmitry Anatolyevich Romanov was reportedly released on 23 February after having been told not to tell anybody about the treatment he had allegedly received while in custody. The case is said to have been forwarded to the Ombudsman Office.

562. The Government indicated that on 21 April 2001, the Gldani-Nadzala district procuracy received information regarding the beating of Dimitry Romanov and his mother. On 11 May, criminal proceedings were instituted against officers of the Investigation Department No. 6 of the Tbilisi police based on the information that they had suspected Dimitry Romanov of theft and on 22 March beat him at the Department for purpose of making him confess to the crime. When Lubov Storojhenko attempted to defend her son, she was also beaten. On 26 March 2001, an examination by an independent court-appointed medical expert revealed slight injuries. An eyewitness first identified the policeman who had used violence against Dimitry Romanov, but in cross-examination said that she could not be sure. Dimitry Romanov refuses to come to the offices of the law enforcement bodies, and without evidence a criminal investigation cannot be started. The charge that the Deputy Head of the police had beaten Lubov Storojhenko, also could not be proved and the case was closed.

563. **A congregation of about 300 Jehovah's Witnesses** that was gathering for a religious meeting in Tbilisi was reportedly attacked and beaten by a mob of radical supporters of the Georgian Orthodox Church, led by a defrocked Orthodox priest, Father Basil Mkalavishvili (see E/CN.4/2001/66, para. 503) on 27 February 2001. It is alleged that the mob was joined in the attack by police officers who requested that the door of the meeting hall be opened.

564. The Government indicated that on 27 February 2001, the Orthodox priest Basil Mkalavishvili, arrived at the gathering and tried to enter the hall. The Jehova's Witnesses resisted him, but he hit R. Mikirtumov in the face, injuring him slightly. The priest was subsequently accused, inter alia, of interfering in religious practices, violating the right to property and assault. The indictment was sent to the Gldani-Nadzaladevi district court. The statement that policemen participated in the crime could not be proved. Other allegations against B. Mkalavishvili were joined to this case and on 2 April, the court requested him to give a written undertaking not to leave Tbilisi. The investigation was concluded and the case has now been transferred to the court.

565. **Soso Lomtadze** was reportedly severely beaten by the Chief of the Tbilisi city police, his deputy and other policemen on 13 April 2001, in the Chugureti district police station.

566. The Government indicated that on 12 April, Samson Lomtadze and three other persons committed an armed robbery of a store and then attempted to escape. Two officers of the Didube-Chughureti property protection police and another officer followed them. A police officer was shot dead by the robbers. The other officer shot the accomplice in the leg and disarmed him. Later that day, Samson Lomtadze was arrested. On 14 April, the court issued a three-month detention order. On 2 May 2001, another accomplice was arrested. Their term of detention was extended by six months. The process of investigation was ongoing. During the investigation, it was alleged that the former Chief of Police had used physical violence against Samson Lomtadze and violated his constitutional rights. The investigation revealed that the force used during arrest was lawful and necessary to prevent the escape.

567. **Roman Amanatov, Mahir Abbasov, Vuqar Alirzayev** and **a fourth person whose name is not known** were reportedly arrested on charges of theft and tortured by police from Kolagiri police station in Bolnisi district in the south of Georgia on 23 June 2001, after which they allegedly had to be hospitalized. One of the men reportedly had his feet punctured with a hand drill, another had reportedly sustained a fractured skull and they all had cigarette burn marks. The police are said to have claimed that the men had assaulted each other. The office of the Bolnisi district procurator reportedly opened a criminal investigation into the allegations of torture on 25 June 2001.

568. The Government indicated that on 25 February 2001, criminal proceedings were instituted against policemen in Bolnisi district procuracy for abuse of authority. During investigation, Araz Alazov, the fourth person arrested at that time, refused to undertake a medical examination and stated that Bolnisi district policemen had not beaten him. A later examination revealed slight injuries, which he stated had been sustained when he was fighting with Vuqar Alirzayev in preliminary detention. This was confirmed by the police officers. Medical expertise concluded that he had received several bruises and cuts on his head, face, chest and legs, as well as brain concussion resulting in brain damage, a torn scalp and trauma to the abdomen caused by a blunt object. During interrogation, the two above-named claimed that their injuries had been sustained through having been beaten by the officers. After recovery, they retracted the statements, stating that they had been under the influence of their relatives. The Government indicated that an investigation was under way.

569. **Seventy Jehovah's Witnesses** were allegedly attacked by a mob of 15 Orthodox extremists on 12 August 2001 in Rustavi, where a religious ceremony was being conducted. The Jehovah's Witnesses were said to have been beaten with clubs and pipes, and seven of them allegedly required medical treatment. Police officers reportedly refused to intervene. Although it is said to be the fourth attack by Orthodox extremists in Rustani, to date no one has been arrested or prosecuted.

570. The Government indicated that on 26 April 2001, criminal proceedings were instituted in the Rustavi Investigation Department of the police against the Chairperson of the association "Jvari" and his accomplices for hooliganism and interference in religious activities. The perpetrators had gone to a flat where they violently stopped a religious meeting, and threw religious literature and other property out of the window, some of which they burnt the next day in an open market.

571. By the same letter, the Special Rapporteur advised the Government that he had received further information on the following case that had been transmitted to the Government in 2000 (see E/CN.4/2001/66, para. 510).

572. In connection to the case of **David Vashaqmadze**, who reportedly died after having been beaten by traffic police officers in November 1999 and on behalf of whom the Special Rapporteur had intervened on 5 October 2000 (see E/CN.4/2001/66, para. 510), the Special Rapporteur has been informed that on 9 February 2001 the Krtsanisi-Mtatsanisi district court of Tbilisi decided to release the traffic police officer on the grounds of "exemplary behaviour when in detention".

573. The Government provided further information, stating that a traffic officer was sentenced to two years' imprisonment on 29 November 1999 for exceeding his authority. He was released from prison by decision of the Krtsanisi-Mtatsminda district court on 5 February 2001, eight months early. The Deputy Secretary of the National Security Council on Human Rights expressed concern about this decision. The Government further indicated that the murderer of David Vashakmadze was in hiding and measures were under way to find him.

574. Finally, the Special Rapporteur advised the Government that he had received information on the following case transmitted in February 1997 (see E/CN.4/1998/38/Add.1, para. 136) and to which the Government had responded in September 1998 (see E/CN.4/1999/61, para. 267).

575. Concerning **Giorgi Korbesashvili**, the Government indicated that in June 1997 he had been found guilty by the Supreme Court of Georgia, and confirmed that during his trial he claimed to have been ill-treated by the police. Giorgi Krobesashvili had suffered a brain trauma in 1990 which resulted in a tendency to injure himself. A court failed to accept the existence of illegal pressure. According to information recently received, his psychopathy was mentioned only in the record of the prison doctor. Further medical examinations held on 18-20 October 1995 and 27 December 1995 reportedly described him as a mentally healthy person. Neither the investigation nor the court is said to have examined and studied the allegation of torture.

576. The Government provided further information stating that on 20 April 2000, Mr. Korbesashvili was pardoned as one of 65 convicted persons who had been sentenced to 12 years' imprisonment on 5 June 1997. He further has the right to appeal to the court for his rehabilitation if new circumstances were to be revealed.

577. Furthermore, by the same letter, the Deputy Secretary of the National Security Council on Human Rights stated that torture and inhuman or degrading treatment unfortunately did occur in Georgia. However, many positive measures had been taken to avoid such occurrences. There were difficulties in punishing perpetrators of such acts, as the complainants very often retracted their previous statements. Sometimes accused persons gave false evidence, invoking torture in order to reduce their punishment or avoid responsibility. Sometimes a statement regarding alleged torture is made during court hearings and although the court requested a medical examination, it would be too late to prove the facts of torture. There was great attention paid to such occurrences by the Public Defender, the Parliamentary Committee on Human Rights, the Service on Human Rights Issues of the National Security Council of Georgia, non-governmental organizations and the mass media.

578. By letter dated 3 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases, to which the Government responded by letter dated 5 November 2001.

579. **Mamuka Rizhamadze** was reportedly arrested by the police of the town of Tkibuli, on 24 May 2000. He was allegedly found hanged on 31 May 2000 in the policy custody cells of Kutaisi police station. According to the official post-mortem, his death was caused by

suffocation and no injuries were found on his body. However, an independent autopsy report of 5 July 2000 is said to have revealed numerous injuries and concluded that the cause of death was a blow to the head.

580. The Government indicated that Mr. Rizhamadze had been arrested by the police of the town of Tkibuli on 24 May 2000, sentenced to 15 days' detention for having used marijuana and taken to the Police Custody Isolator of Kutaisi Police Department. On 31 May, he was found hanged in his cell. The post-mortem indicated several injuries to his nose, his right eye and shoulders. On 1 June, criminal proceedings were initiated in order to determine whether he had been driven to commit suicide by threat or cruel treatment (art. 155). The official post-mortem report noted that the cause of death was suffocation and described further injuries to his left knee and the ankle of his right leg, but stated that they were slight injuries sustained 3 to 10 days earlier, before his arrest. An independent report ordered by his relatives stated that the cause of death was a trauma inflicted by a blow from a blunt object to the head. A second medical examination was ordered by the court, which concluded that death was caused by suffocation and asphyxia. No measures of coercion were found to have been employed in the detention isolator in Kutaisi, and the criminal case was closed on 29 March 2000 for lack of evidence.

581. **Gia Chichaqua**, a suspect in a theft case, reportedly died after having been beaten with truncheons during interrogation at the police station of Ozurgeti on 3 January 2001. Police allegedly did not inform the family about his death until 12 hours later. A police officer was reportedly detained in connection with the case by decree of the Minister of the Interior. The case has reportedly been investigated by the Ozurgeti District Prosecutor's Office and the Inspectorate-General of the Ministry of the Interior.

582. The Government indicated Mr. Chichaqua was delivered to the police station of Ozurgeti district by a police inspector on 26 January 2000, not on 3 January as stated in the communication. The inspector had exceeded his authority by using violence against Mr. Chicaqua, causing his death, and was subsequently detained. The case was investigated by the Ozurgeti District Prosecutor's Office and criminal proceedings were instituted for abuse of authority and pursuant to article 119 of the Criminal Code of Georgia (damage to health resulting in death). The inspector was sentenced to the maximum sentence of 10 years' imprisonment by the circuit court of Kutaisi.

Follow-up to previously transmitted communications

583. By letter dated 26 December 2000, the Government responded to all pending individual cases that had been transmitted by the Special Rapporteur on 5 October 2000 (see E/CN.4/2001/66).

584. Concerning the Evangelical Christian group (ibid., para. 502), the Government confirmed that one of its open-air meetings had been broken up by the Gldani district police. Complaints lodged with the Gldani-Nadzaladevi district court, the Tbilisi regional court and the Supreme Court were subsequently rejected. No criminal charges were therefore brought against any law enforcement official. The Deputy Secretary of the National Security Council on Human Rights

Issues confirmed that only verbal abuse had taken place, and that there had been no use of violence. The Government indicated that the Chief of Police was given an official reprimand and the Head of the Police was given corresponding instructions.

585. Concerning members of a Jehovah's Witness congregation (ibid., para. 503), the Government indicated that on 17 October 1999, followers of former priest Basil Mkalavishvili had attacked and beaten Jehovah's Witnesses. On the same day, criminal proceedings were instituted against four individuals, including two Jehovah's Witnesses, by the Investigation Department of the Gldani district police. On 15 June 2000, the investigation was completed and the case was referred to the Gldani-Nadzaladevi district court of Tbilisi. The two Jehovah's Witnesses were subsequently found guilty of hooliganism. Concerning the two suspects followers of Basil Mkalavishvili, their case was returned for further investigation to the Tbilisi Prosecutor's Office. The Government indicated that the investigation was still under way.

586. Concerning Vladimir Beguluri and Giorgi Todua (ibid., para. 504), the Government responded that no information could be found on this case, either in the Tbilisi Police Department or at the Procurator's Office. The Government noted that the victims had not lodged a complaint with any law enforcement bodies. The Tbilisi police and Prosecutor's Office had been instructed to investigate the case.

587. Also, concerning the alleged assault on Jehovah's Witnesses by Basil Mkalavishvili's followers (ibid., para. 505), the Government stated that after the court hearing, a fight erupted between Mkalavishvili's followers and Giga Bokeria, the representative of the non-governmental organization "Liberty Institute", and her staff, which is said to have lasted 30 minutes until the arrival of the police. An investigation revealed that 13 persons suffered bodily injuries as a result. The Government indicated that an investigation was under way.

588. Concerning Gogi Shiukashvili (ibid., para. 506), the Government indicated that he had been accused of theft and was interrogated in the presence of his lawyer. At that time, he confessed his guilt. On 19 March 1998, during a second interrogation session, he retracted his previous statement and said that he had been coerced by the police. He was nevertheless unable to identify the responsible officers. On 6 May 1998, his mother lodged a complaint with the Prosecutor General. On 7 October 1998, the Tbilisi Prosecutor's Office instituted criminal proceedings according to article 187, part 3, of the Criminal Code (abuse of authority). During the investigation, Gogi Shiulashvili gave contradictory statements. The Government also indicated that on 1 February 1999, Gogi Shiukashvili had been sentenced to one year and six months' imprisonment.

589. Concerning George Gogodze (ibid., para. 507), the Government indicated that after an investigation, his allegation of ill-treatment could not be proved. An investigation by the Prosecutor's Office of Gldani region revealed that George Gogodze had been taken to Gldani district police department on 19 May 1999 to establish the whereabouts of his nephew who was accused of premeditated murder in December 1998. After the questioning, he was returned to his home. No violence had been used against him. Two medical examinations were performed,

which concluded that he had suffered slight physical injury resulting in brain trauma. The investigation failed to determine where and under what circumstances George Gogodze had been injured, as he had been suffering from health problems before. On 29 February 2000, the case was suspended.

590. Concerning G. Tkemaladze (ibid., para. 508), the Government indicated that a traffic policeman was sentenced by the Rustavi district court to two years' imprisonment for having beaten him.

591. Concerning George Kuparadze (ibid., para. 509), the Government indicated that criminal proceedings had been instituted against several traffic policemen. According to the preliminary investigation, a traffic policeman had insulted George Kuparadze, deprived him of his identity card and had beaten him on the head, causing a concussion. On 15 February 2000, the case was transferred to the Tbilisi regional court, which returned the investigation to the Prosecutor's Office. An appeal against this decision was lodged with the Supreme Court, which confirmed in September 2000 the decision of the regional court.

592. Concerning Davit Vashakmadze and Zaza Buadze (ibid., para. 510), the Government indicated that criminal proceedings had been instituted against policemen. A criminal case was brought against the Chief Inspector of the Traffic Department on 28 February 2000 and the latter was sentenced to two years of imprisonment by the Tbilisi regional court. An additional investigation had been requested of the Procurator's Office regarding the allegation that the alleged act caused the death of Davit Vashakmadze.

593. Concerning Dato Natelashvili (ibid., para. 511), the Government confirmed that acting on his complaint, a special investigation had been conducted. The police officers concerned were interrogated as witnesses and they categorically denied having beaten him. It was established that he had been examined by medical staff of the Main Department of the Ministry of Internal Affairs at the time of his transfer from the investigation isolation prison to investigation isolator No. 1. No signs of injury had been found on him. During a private meeting with the Deputy Secretary of the National Security Council on Human Rights Issues, he acknowledged that he had not been beaten, but had been advised by his lawyer to lodge a complaint against the police officers. On 2 February 2000, the senior investigator of the Tbilisi Prosecutor's Office decided not to initiate any criminal proceedings.

594. Concerning R. Jincharadze and M. Abashidze (ibid., para. 512), the Government indicated that the Kvareli region procuracy had been ordered to verify the allegations. Policemen categorically denied any physical or verbal abuse of television journalists. On 11 April 2000, the procuracy decided not to institute criminal proceedings and the regional court considered the decision well-founded.

595. Concerning Zaza Tsotsolashvili (ibid., para. 513), the Government indicated that an investigation had revealed that there had been no corpus delicti which would have established a link between the policemen and Zaza Tsotsolashvili's suicide. On 4 May 2000, the case was closed. The Government further stated that there was no reason to consider the decision not to be well founded.

596. Concerning Ivane Kolbaia (ibid., para. 514), the Government responded that criminal proceedings against two policemen had been instituted and an investigation was under way, as the court had returned the case for additional investigation. The Government noted that Georgian human rights advocates had expressed serious concern as to the reasons behind the events described in the communication of the Special Rapporteur.

597. Concerning the three minors, Irakli Tshigladze, Nicka Kutelia and Emil Aivazashvili (ibid., para. 515), the Government indicated that there was no complaint lodged with any law enforcement bodies by the victims. The Tbilisi police department and procuracy had been ordered to make the necessary investigations into the allegations.

598. By the same letter, the Government indicated that it had taken various legislative and practical measures to ensure that any case of torture was properly investigated and prosecuted, and any person guilty of having committed such an act would be punished in accordance with the law. Quoting a speech by the President of Georgia, it also reaffirmed that the issue of religious minorities was a matter of serious concern among the people and the Government and condemned manifestations of hostile behaviour by a defrocked Orthodox priest and his followers towards Jehovah's Witnesses. It also recalled that the Georgian Orthodox Church had made a public statement qualifying the acts of violence against the Jehovah's Witnesses as an attempt to discredit the Orthodox Church. In seeking solution to these problems, the Government indicated that it was currently considering urgent steps to guarantee the equality and freedom of all religions before the law, and reaffirmed that all acts of harassment and physical violence will be prosecuted and the perpetrators held accountable before the law.

Guatemala

599. Con fecha 15 de agosto de 2001, el Relator Especial, conjuntamente con el Relator Especial sobre los defensores de los derechos humanos, notificó al Gobierno que había recibido información sobre el siguiente caso.

600. **Celso Balán**, representante del Centro de Acción Legal en Derechos Humanos (CALDH) de San Martín Jilotepeque, Chimaltenango, habría sido amenazado con una pistola y habría sido interrogado durante varias horas el 1° de agosto de 2000 por dos personas que podrían pertenecer a un grupo paramilitar. Asimismo, se habría relacionado a estas personas con los responsables de la masacre de Chipastor y se cree que la orden habría provenido de la base militar de Chimaltenango. A continuación, le habrían conducido al local de CALDH, donde habría sido golpeado mientras sus asaltantes registraban la oficina. Habría sido obligado a ingerir un sedativo y habría perdido el conocimiento. Lo habría recuperado dos días más tarde en el cementerio de la localidad. Los malos tratos le habrían causado problemas neurológicos, físicos, psicológicos y emocionales por los cuales habría estado en tratamiento. Según los médicos, el sedativo ingerido habría podido producirle una parálisis y hasta la muerte.

Guinea

601. Par une lettre datée du 3 octobre 2001 envoyée conjointement avec les Rapporteurs spéciaux sur les exécutions extrajudiciaires, sommaires ou arbitraires, sur la violence contre les femmes, ses causes et ses conséquences, sur la promotion et la protection du droit à la liberté

d'opinion et d'expression, et sur l'indépendance des juges et des avocats, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements concernant le procès d'**Alpha Condé**, Président du rassemblement du peuple de Guinée (RPG), un des principaux dirigeants de l'opposition, et candidat aux élections présidentielles de décembre 1998, ainsi que de ses 47 coaccusés. Alpha Condé aurait été arrêté et frappé au moment de son arrestation par des militaires à Piné, en région de Guinée forestière, le 15 décembre 1998. Au moment de son arrestation, il aurait été accusé de vouloir se rendre en Côte d'Ivoire alors que les frontières du pays étaient fermées en raison des élections. **Ben Karamoko Kourouma**, son garde du corps, **Antoine Gbogolo Soromou**, ancien maire de Lola, et son chauffeur **Michel Lah Gonga**, ainsi que **Morifing Sagno**, un villageois de Piné chez lequel Alpha Condé se serait réfugié et **Vassezé Diomandé** auraient été arrêtés le même jour en raison de leurs supposés liens avec Alpha Condé. Ils auraient tous été transférés par avion militaire à Conakry où, pendant un mois, Alpha Condé aurait été détenu au secret dans divers centres de détention non reconnus, dont le camp Koundara (des baraquements militaires de l'unité de la sécurité de l'État). Il aurait été interrogé par des membres d'une unité antigang directement responsable auprès du Ministre de l'intérieur. Le 28 décembre 1998, il aurait ainsi été présenté devant un magistrat. Il aurait été transféré à la prison centrale de Konakry, le 13 janvier 1999, et aurait à ce moment-là été formellement inculpé.

602. Entre le 7 octobre 1999 et janvier 2000, plus de 30 personnes, la plupart membres des forces armées, auraient été arrêtées en relation avec l'arrestation d'Alpha Condé. La plupart des personnes arrêtées auraient été soumises à différentes méthodes de torture telles que des coups, des gifles, et des coups de poing et de pied sur différentes parties du corps, dont les parties génitales. Certaines personnes auraient subi des simulacres de noyade et auraient été menacées de mort. Ces actes auraient, la plupart du temps, été commis juste après l'arrestation dans les commissariats de police ou des baraquements militaires. Certains auraient été emprisonnés dans une cellule connue sous le nom de "la cellule de l'enfer" dans l'île de Kassa, qui serait une cellule de petite dimension placée sous une cuve d'eau dans laquelle les détenus seraient forcés de rester debout et seraient régulièrement inondés d'eau. Ces actes auraient eu pour but d'obtenir des confessions incriminant Alpha Condé, en échange desquelles une libération était promise. En particulier, le **Sergent Guey Keita** serait mort le 15 janvier 2000 suite aux mauvais traitements qu'il aurait subis. Il aurait été privé de nourriture pendant huit jours et, le matin de son décès, aurait été interrogé et torturé dans le but de lui faire confesser qu'il avait reçu de l'argent d'Alpha Condé.

603. Le procès d'Alpha Condé et de ses coaccusés n'aurait commencé que le 12 avril 2000 et aurait principalement été basé sur des confessions obtenues sous la torture. Ce n'est qu'à partir de l'ouverture du procès que certains des coaccusés auraient eu le droit de recevoir des visites de leurs familles. La fille de l'un des détenus sur l'île de Kassa aurait été arrêtée et détenue pendant trois jours durant lesquels elle aurait été menacée de viol. La femme d'un de ces détenus aurait elle aussi été arrêtée et aurait reçu 10 coups de fouet. Les 48 détenus auraient été jugés par la Cour de sûreté de l'État (CSE), créée le 10 juillet 1985 par le Président Clansana Conté. Cette cour, aux pouvoirs permanents et spéciaux, serait composée de magistrats nommés directement par le Président de la République (art. 634 (3) du Code de procédure pénale) et aurait pour juridiction tous les crimes d'atteinte à la sécurité de l'État. Les juges auraient été dans ce cas nommés par un décret présidentiel daté du 4 août 1999, soit après l'arrestation d'Alpha Condé.

Durant le procès, un certain nombre d'accusés, dont les membres des forces armées, auraient témoigné que leurs confessions incriminant Alpha Condé avaient été obtenues sous la contrainte. En particulier, Ben Karamoko Kourama aurait montré les blessures qu'il avait encore sur les bras, le dos et les hanches au moment du procès. Ces confessions auraient néanmoins été acceptées comme preuves par la cour, qui n'aurait par ailleurs pas demandé l'ouverture d'une enquête. Le procureur public aurait cependant qualifié ces témoignages de manœuvres de la défense. Alpha Condé aurait été condamné à cinq ans de prison, le 11 septembre 2000; 15 autres coaccusés auraient été condamnés à diverses peines, allant de un an d'emprisonnement avec sursis, à cinq ans d'emprisonnement ferme; 23 coaccusés auraient été acquittés alors que 10 autres auraient été acquittés "avec le bénéfice du doute". Quatre autres coaccusés auraient été condamnés *in abstentia* à 10 ans d'emprisonnement ferme.

604. De plus, suite à l'arrestation d'Alpha Condé, un certain nombre de manifestations pacifiques se seraient déroulées réclamant sa libération et visant à contester les résultats du scrutin. Lors de ces manifestations, en particulier en décembre 1998, des centaines de personnes auraient été arrêtées dans plusieurs villes, dont Kankan, Baro et Siguiry, et torturées, en particulier aux camps militaires Soundiata, à Kankan, et Alpha Yaya, à Konakry, avant d'être relâchées ou condamnées à des peines de prison ferme. Un grand nombre de femmes, en particulier des mineures, auraient été violées lors de ces arrestations. Des femmes auraient témoigné de leurs viols, souvent collectifs, lors de leur procès. Les magistrats auraient ignoré ces témoignages et auraient demandé aux victimes de "tourner la page". **Mamadou Kourouma** aurait été arrêté lors d'un rassemblement pacifique, dans l'après-midi du 21 décembre 1998, chez le doyen Le Hadj Amiata Kaba, un député du RPG. Il aurait été emmené au camp Soundiata où trois militaires l'auraient allongé sur une table avant de le battre avec des matraques. Suite aux arrestations survenues à Kankan et Siguiry en décembre 1998, plus de 60 personnes, dont des députés et des conseillers municipaux, ont été jugées par le tribunal de première instance de Kankan pour "participation à une marche non autorisée et incitation à la violence". Le 16 mars 1999, 38 accusés ont été condamnés à des peines comprises entre quatre mois et cinq ans d'emprisonnement assorties d'amendes importantes. Les conditions de détention auraient été particulièrement mauvaises. Jusqu'à 30 personnes auraient été enfermées dans des cellules de 4 m^2, avec un seul trou dans le mur pour servir de système d'aération. Le Hadj Biro Diallo, Président de l'Assemblée nationale, aurait été exclu de son parti, le parti de l'unité et du progrès, pour avoir dénoncé, y compris dans une lettre au chef de l'État, ces violations des droits de l'homme. En janvier 1999, il aurait adressé un courrier au Président de la République pour réitérer son opposition à la torture et aurait inclus un document vidéo dans lequel des victimes montraient les blessures subies lors de leur arrestation et détention. Selon les informations reçues, aucune enquête n'aurait été ouverte.

605. Par une lettre datée du 30 septembre 2001, envoyée conjointement avec le Rapporteur spécial sur la promotion et la protection du droit à la liberté d'opinion et d'expression, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements sur le cas individuel suivant.

606. **Tibou Camara**, Directeur de publication de l'hebdomadaire privé *L'Observateur* aurait été arrêté le 8 mai 2001 par la police antigang de Conakry, devant le siège de son journal. Il aurait été frappé par la police lors de son arrestation. Il aurait été condamné, le 24 avril 2001, à

six mois de prison ferme et à une amende d'un million de francs guinéens pour "diffamation" suite à une plainte du Secrétaire général du Ministère du tourisme. Cinq autres journalistes de *L'Observateur* seraient toujours recherchés par la police. Tibou Camara serait actuellement détenu à la prison centrale de Conakry.

Guinea-Bissau

607. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 1998, concerning which no reply had been received.

Urgent appeals

608. On 16 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **General Bouta Nan Batcha, Nhande Seidi, Braima Djassi, Laminé Turé, Braima Sanhá, General Augusto da Costa de Sa, General Armando Soares da Gama, Mário Gomes, Colonel Ansumba Mané, Mamadú Seidi, Aliu Bangura, Augusto Fernandes, Domingos Djalo and at least 40 others** who were reportedly held in very harsh conditions in several detention centres and believed to be in need of urgent medical attention. They had reportedly been held since November 2000 in several prisons in the capital, Bissau. Many are allegedly suffering from hypertension, infections and other illnesses for which they are not receiving any medical care. They are said to be held in severely overcrowded conditions with no running water, no adequate sanitation and a poor diet. Colonel Baba Djassi is reported to have died on 4 February 2000, apparently of typhoid fever. It appears that he had been seriously ill for some days, during which time the authorities refused to transfer him to hospital.

Haïti

609. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels les conditions de détention seraient particulièrement affectées par les difficultés économiques du pays. Le budget alloué aux établissements pénitentiaires serait resté inchangé depuis 1995, alors que la population carcérale aurait plus que doublé durant la même période. La détérioration du système pénitentiaire se refléterait particulièrement dans la vétusté et la surpopulation des établissements, le manque de personnel et la précarité des conditions matérielles. Ainsi, on observerait un manque aigu de lits, de systèmes d'aération et d'éclairage. Il existerait également un problème de malnutrition préoccupant, qui, dans certains cas, aurait même provoqué la mort de détenus. D'après les informations reçues, outre les déficiences matérielles de l'infrastructure des prisons, les conditions sanitaires dans les centres pénitentiaires seraient particulièrement précaires. Les détenus n'auraient pas accès aux soins médicaux de base, et l'administration pénitentiaire ne pourrait plus fournir de produits de première nécessité tels que des produits d'entretien, du papier toilette et des serviettes hygiéniques pour les femmes. L'accumulation de tous ces problèmes - surpopulation, conditions matérielles et sanitaires déficientes, malnutrition, manque de personnel - liés en grande partie au manque de ressources, provoquerait un grave malaise dans les prisons, qui se serait traduit en de multiples occasions par des mutineries, auxquelles le personnel pénitentiaire aurait souvent répondu en faisant un usage excessif de la force. En particulier, des gardiens auraient battu des détenus suite à ces mutineries, de manière à les punir.

610. Le Rapporteur spécial a aussi transmis des renseignements concernant **Saint Victor Saintilus**, résident de Saut d'Eau, accusé de meurtre, qui aurait été mis en liberté provisoire le 15 octobre 1999 en raison de son état de santé. Les autorités pénitentiaires auraient déclaré qu'il aurait été violemment battu au cours de son arrestation. Le ministère public aurait ouvert une enquête sur cette affaire.

611. Par la même lettre, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas envoyés en 1997 et 1999 pour lesquels aucune réponse n'avait été reçue.

Honduras

612. Con fecha 1º de octubre de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre **Francisco Javier Espinoza**, niño de la calle de 17 años a propósito de quien el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias ya mandó una comunicación en 2000 (ver E/CN.4/2001/9/Add.1, párr. 198), Francisco Javier Espinoza habría muerto bajo custodia el 28 de enero de 2000. El menor habría sido golpeado en la cabeza con un tubo de metal por los conductores de un autobús después de que, al parecer, habría robado unos pendientes a una transeúnte y, a continuación, habría sido llevado a un puesto de policía de Tegucigalpa. Posteriormente, habría empezado a tener convulsiones debido a un traumatismo craneal y habría sido llevado al Hospital Escuela donde personal hospitalario se habría negado a atenderlo. Francisco Javier Espinoza habría muerto en el trayecto de regreso a la comisaría. El jefe de la Policía Metropolitana habría informado de que la causa de la muerte había sido un "trauma encéfalo-craneano". El caso se habría llevado a la Fiscalía del Juzgado Primero de lo Criminal de Tegucigalpa, aunque no se habría presentado el caso ante el Juzgado, y los policías que no cumplieron con su obligación de procurar asistencia médica al detenido seguirían en servicio activo.

613. En la misma carta, el Relator Especial recordaba al Gobierno varios casos transmitidos en 1998 respecto a los cuales no había recibido ninguna respuesta.

India

614. By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

615. **Jagannath Shaw** was reportedly taken to Bhadreswar police station on 8 and 9 December 1998 to be questioned about a theft. There a policewoman reportedly tied his thumbs together, he was beaten on his arms, legs and head, and interrogated for three days. He was allegedly subjected to electric shocks until he became unconscious, and had a nail inserted into his fingers. His request for medical treatment was reportedly refused. After he was produced before a magistrate, he was remanded in judicial custody for four days. He subsequently had to report to the police station daily, where money and belongings were demanded from him, or he was beaten. Two medical examinations reportedly revealed various injuries, including the dislocation of his elbow. The sub-inspector of Bhadreswar police station allegedly admitted torturing detainees, explaining that there was no other way of making a suspect confess.

616. **Ramesh Chauhan** was reportedly taken from his residence in Worli, Mumbai, State of Maharashtra, and taken to Worli police station on 24 December 1998, where he was reportedly beaten by two constables on his hands and the soles of his feet with a belt to make him confess to a theft in 1997. When he refused to sign the confession, he was reportedly beaten for two hours. After paying Rs 10,000, he was released and an officer allegedly admitted that he had been beaten. He was taken to Patdar hospital and on 25 December 1998 filed an anticipatory bail application in the Mumbai sessions court fearing further detention and torture. The court reportedly criticized his detention, the extortion, and the fact that no case had been registered against him. On 29 January 1999, Ramesh Chauhan reportedly wrote to the Commissioner of Police, Mumbai, requesting that a first information report (FIR) be registered, but no action is said to have been taken.

617. **Ram Pal**, a migrant labourer from Uttar Pradesh working in Chandigarh, was reportedly arrested by the police on 3 September 1999 on suspicion of misappropriating funds and taken to the sector 26 police station where he was allegedly beaten with leather belts, lathis and *ghotanas* (iron rods) and subjected to electric shocks to his ears and genitals by three police sub-inspectors. He was reportedly released on 8 September 1999, after his family had filed a complaint with the High Court of Punjab and Haryana. The Inspector General allegedly ordered that an inquiry be carried out by a deputy superintendent of police, and a sub-inspector was reportedly suspended. Although a petition was filed in the High Court seeking orders for police to file an FIR against the accused police officers, a compromise was reportedly reached before the date of hearing before the Permanent Lok Adalat (Peoples Court), Chandigarh, leading to a payment of Rs 75,000 to Ram Pal. The suspended police officer was reportedly reinstated.

618. **Sapinder Singh** was reportedly arrested on 18 September 1999 for illegal possession of an assault rifle and detained by the Criminal Investigation Agency (CIA) at Ropar, 35 km from his home village, in Punjab. In detention, his legs were allegedly pulled apart 180 degrees, petrol was poured over his genitals and he was given lathi blows to his legs and back. An FIR was reportedly filed on 18 September 1999. Sapinder Singh was reportedly released on 19 September following the intervention of the senior superintendent of the police in Ropar. The accused police officers are said to have been arrested and the case is being tried in Ropar sessional court.

619. **Bhag Chand**, a police constable in Chandirarh, State of Chandigarh, was reportedly arrested by an inspector and two sub-inspectors of sector 36 police station on 1 October 1999 on suspicion of theft. During interrogation, he was reportedly kicked, punched and beaten on his legs with an iron rod and on his genitals for about two hours. He was allegedly denied medical assistance and food. He was reportedly released on 3 October 1999, after having been threatened not to report the incident. On 5 October 1999, a court reportedly ordered the investigation of the case by the station house officer (SHO) of sector 17 police station. A medical examination reportedly confirmed the allegations of torture, but no action has reportedly been taken.

620. **Molvi Abdul Aziz**, an imam living in Chan Poora, Srinagar, State of Jammu and Kashmir, was reportedly arrested by the Special Operations Group (SOG) on 7 November 1999, taken to Kupwara SOG camp and then to a police station. Both his legs were reportedly broken, as confirmed by a medical examination in the Bone and Joint Hospital in Barzulla, Srinagar.

621. **Gh. Nabi Najar**, a 14-year-old carpet weaver, was reportedly tortured by members of the Reshtriya Rifles (RR) on 12 December 1999. The RR reportedly cordoned off his village, Drager Khanshaib, Budgam, State of Jammu and Kashmir, and asked the villagers to gather for an identification parade. When it was found that Gh. Nabi Najar did not have his identity card with him, he was allegedly arrested and taken to the RR camp, where his hands and legs were tied, he was severely beaten in his stomach and raped with a stick. He subsequently reportedly received treatment at a hospital in Srinagar.

622. **Manzoor Ahmad Gujree** was reportedly arrested on 5 January 2000 when he went to Kot Balwal jail, State of Jammu and Kashmir, to see his cousin in jail. He was reportedly taken to a nearby camp by soldiers and beaten with sticks and gun butts. As a result, he was allegedly not able to walk. He was reportedly released as a result of pressure exerted by people who had visited their relatives in Kot Balwal jail.

623. **Manzoor Ahmad Dar**, a political activist of the People's League, was reportedly beaten by personnel of the 104 Border Security Forces (BSF) based at Bunoora, Pulwama, State of Jammu and Kashmir, in his house in Malikpora, Pulwama, on 7 January 2000. The BSF reportedly entered his house and beat him with sticks on his head, as a result of which he lost consciousness. An FIR was lodged with the police against the BSF. Whilst he was being taken by the police to the district hospital, a BSF member reportedly returned to his house and asked his family to tell Manzoor Ahmad Dar to report to the BSF camp.

624. **P. Singh** and his brother, **P. Singh,** were reportedly arrested by police at their home in Dhaka on 11 February 2000, after they had been in a dispute with a man who owed them money. One brother was reportedly released the next day, the other after two days, after having allegedly been ill-treated. A subsequent medical examination reportedly found "blunt, simple injuries, mainly on chest and back".

625. **Manzoor Ahmed Natwoo** was reportedly taken by members of the 8th RR to their camp in Doda on 29 May 2000 in connection with his brother's activities. There he was allegedly stripped naked, tied to a couch, beaten on his arms and feet with wooden rods, had ice cold water poured on his body and in his nose and given electric shocks to his penis and nipples. He was allegedly also promised Rs 20,000 if he killed his brother and was threatened with death if he did not. He was reportedly tortured for two days, and did not receive medical attention. As a result, he reportedly sustained multiple internal and external injuries and multiple fractures of his left foot.

626. **Mushtaq Ahmad Bhat** was reportedly beaten along with other young villagers in front of other villagers in Watapora, Bandipora, by the 15th RR based at Allosa, Malangam and Kaloosa, Bandipora, State of Jammu and Kashmir, on 8 July 2000. Subsequently, Mushtaq Ahmad Bhat was allegedly detained with other youths in the 15th RR camp, where he was reportedly beaten and burnt with cigarettes and heated iron rods, during interrogation about the whereabouts of a number of militants. As a result, his right arm was reportedly fractured.

627. **Shafeeq Ahmed Bhat** reportedly had his right arm broken and his legs burnt with an electric iron and cigarette butts during interrogation by personnel of the BSF at their camp at Sanatnagar, Srinagar, on 9 August 2000. His brother, **Manzoor Ahmed Bhat**, had allegedly been arrested on 6 August 2000 as a substitute and severely ill-treated. He was reportedly released on 9 August 2000.

628. **Bashir Ahmad Sheikh**, from Budgam, State of Jammu and Kashmir, was reportedly tortured by SOG personnel and auxiliaries on 17 August 2000, who first entered the house of his younger brother, **Mohammad Yousuf Sheikh**, and ill-treated him to make him identify his brother's house. Subsequently, the SOG reportedly beat **Fahmeeda** and **Fatima Begum**, aged 60. Bashir Ahmad reportedly suffered injuries, in particular to his eye, and to have lost consciousness. He was subsequently thrown out of a third floor window, as a result of which both his legs and arms were fractured and he bled through the nose and mouth. He was later examined at the Bone and Joint Hospital Barzullah.

629. **Mohammed Mustafa** was reportedly arrested without a warrant by the police at his residence, Basti Hazrat, Nizamuddin, New Delhi, on 26 August 2000. He was allegedly repeatedly beaten with lathis, kicked and slapped. At the police station in Nizamuddin, he was reportedly beaten again, threatened with drug charges against him and his family, and forced to sign a document without having been able to read it. After a medical examination, he was reportedly severely beaten, including on his buttocks, forced to drink urine, and was tied to a stick. He was allegedly released on bail on 2 September 2000. Since then, his family is said be regularly harassed and intimidated by the officers allegedly involved.

630. **Mohammad Sultan Malla**, a political activist belonging to the Jamat-I-Islam, was reportedly arrested by SOG and auxiliaries on 26 September 2000 when military forces allegedly conducted a crackdown of the Radbug area, Budgam, State of Jammu and Kashmir. He was reportedly beaten with a lathi, given electric shocks and forced to drink buckets of water mixed with chilli pepper. Later that day, he was allegedly taken to Humahama camp, where he was beaten for about two hours and forced to drink urine. He allegedly lost consciousness, and bled from many parts of his body. He was subsequently hospitalized and released.

631. **Riyaz Ahmed Waza** was reportedly arrested by personnel of the Jammu and Kashmir Rifles in Koker Hamam, Baramullah, State of Jammu and Kashmir, on 2 October 2000 and taken to the military camp at Dairy Farm, Baramullah. There the soldiers are said to have undressed him, showered him with water, given him electric shocks until he lost consciousness. He was allegedly interrogated about a killing. He is thought to have been thrown on a roadside on 3 October 2000.

632. **Ali Mohammad Wani** was reportedly stopped by soldiers of the 34th RR on 2 October 2000, when he was travelling with some relatives to Mirpu, Beerwah, State of Jammu and Kashmir, to attend a wedding. All the members of the family were allegedly subjected to ill-treatment. Ali Mohammad Wani was reportedly taken to Machhama, near Mirpur, where he was stripped and beaten with rifle butts. He reportedly bled profusely and was released after having been told to keep quiet. He was later taken to hospital in Srinagar.

633. **Javed Ahmed Dar** was reportedly injured by members of the RR and auxiliaries based at Jageer, Handwara, State of Jammu and Kashmir, on 4 November 2000, when soldiers entered the house of his brother, Mohammad Maqbool Dar. When they did not find him, they reportedly arrested Javed Ahmed Dar. When villagers protested against the arrest, the auxiliaries allegedly fired in the air and shot Javed Ahmed Dar in the leg. Later they dumped him on the roadside. He was subsequently brought to the Barzulla Bone and Joint Hospital, Srinagar.

634. **Surinder Singh Oberoi**, an Agence France-Presse journalist, on behalf of whom the Special Rapporteur had intervened on 16 August 2000 (see E/CN.4/2001/66, para. 536), was reportedly beaten by SOG officers on 19 January 2001, after an explosion had occurred in Lal Chowk. The journalist had reportedly assisted the police to help with the wounded, when a SOG officer reportedly accused him of working with militants and made death threats. Later four or five SOG reportedly beat him with their rifles. The Director General of Police, Suri, allegedly advised him to lodge a complaint about the incident, but no action has reportedly been taken.

635. **Ghulam Hasan Kumar** was reportedly arrested on his way to work by members of the 28th RR and taken to their Shalibug post on 15 February 2001. He was allegedly kept in detention for 84 hours. While in detention, he was reportedly blindfolded, handcuffed and beaten by four officers. Kerosene was reportedly poured over his clothing which was then set alight, causing his skin to peel off his legs and neck. Logs were allegedly piled on his legs and later he was made to stand close to a fire, setting his legs alight. Upon release, he could not walk and was admitted to a hospital burn ward. Since then, he and his family have reportedly been threatened and have fled their village. An FIR was allegedly lodged with the police station of Baramulla.

636. **Mohammad Ismail**, an Imam, was reportedly arrested by the Investigation Bureau (IB) on 26 February 2001 and accused of links with militants. He was allegedly beaten in custody and thrown down a steep drop, resulting in injuries to his head and a fractured right arm and left leg. He reportedly required an operation on his abdomen. After coverage in the press, the victim and his family were reportedly threatened. False charges by police are said to have stated that he had a pistol. He is said to be in custody after a suicide attempt, which is alleged to be a criminal offence.

637. **Amal Kanti Chakma, Ajoy Sen Chakma, Priyanand Chakma, Mrinal Kanti Chakma, Satrugan Chakma, Aman Chakma, Chaman Chakma, Shanti Kusum Chakma,** aged 17, **Jai Chakma,** aged 16, **Suraj Chakma, Sujit Chakma, Anton Chakma**, aged 15, **Bijoy Talukdar, Tonmoy Chakma, Hriday Kanti Chakma**, aged 16, **Tezang Chakma**, **Charu Jeevan Chakma, Sudhir Chakma, and Rajib Chakma**, all students, were reportedly beaten by police officers on the night from 2 to 3 April 2001 and subsequently taken to Darya Ganj police station, State of Delhi, where they are believed to have been subjected to ill-treatment again. Charu Jeevan Chakma was reportedly attacked, kicked and hit in a shop and inside a police vehicle by two drunken officers. Other students allegedly phoned the Delhi police requesting help. Shortly after officers reportedly arrived at the student residence, they beat the students with cricket bats and kicked them. The students were allegedly

brought to Darya Ganj police station, where they were beaten again. Complaints were reportedly registered for Joy Chakma and Charu Jeevan Chakma, who allegedly sustained injuries in his left eye and right leg. All the students were reportedly released on 3 April 2001, upon the arrival of their lawyer.

638. **Gh. Mohammad Bhat**, from Handwara, State of Jammu and Kashmir, was reportedly beaten by personnel of the BSF on 10 May 2001 when he allegedly did not see their signal to stop. As a result of ill-treatment, one of his kidneys was reportedly damaged, and he was subsequently transferred to Soura medical institute in a critical condition.

639. A number of journalists, including **Kumaramanglam** and **Sanam Anjum**, cameramen with Enadu TV, **Syed Muzaffar**, photographer with the *Srinagar Times*, **Sheikh Mushtaq**, journalist with Reuter, **Faya Kabuli**, photographer with Reuter, **Fayaz Ahmed**, photographer with the *Daily Aftab*, **Nassir Ahmed**, cameraman with Zee TV, **Bilal Bhat**, photographer with Asian News International, **Ajaz Rahi**, photographer with the Associated Press, **Mehraj-u-din**, cameraman with Associated Press Television, **Shujat Bhukhar**, journalist with *The Hindu*, **Tauseef Mustafa**, photographer with Agence France-Presse, and **Missar Ahmed**, photographer with *The Hindu*, went to Magam on 10 May 2001 to attend the funeral of civilians killed in a bomb blast and were reportedly ill-treated by BSF, who reportedly fired in the air and threatened members of the funeral processions. BSF officers reportedly began to destroy cameras and video equipment and beat the journalists, who reportedly took shelter in a police station. One officer allegedly asked the troops to shoot to kill the reporters. Four journalists accompanied by a senior police officer reportedly tried to recover their equipment, but were again beaten by the BSF. An inquiry has reportedly been initiated into the incident but the Union Home Minister allegedly stated that the BSF's work against insurgents should be considered.

640. **Manzoor Ahmad Chopan** was reportedly arrested on 17 May 2001 during a crackdown at Noodora, Wajoora, and handed over to the police six days later. He was reportedly given electric shocks, burnt on the shoulders, his right thumbnail was allegedly ripped out and a heavy roller had been rolled over his body. As a result, his kidneys were reportedly damaged and he was suffering from severe metabolic acidosis. The RR allegedly claim that he was arrested but handed over to the police on the same day in good health.

641. **Zaffar-Ullah**, a correspondent for the Kashmir Press Service (KPS), was reportedly beaten by SOG personnel on 30 May 2001, when he was travelling from Buderrwah to Jammu in a passenger bus, 1½ kms away from Buderwah. He was allegedly asked to leave his seat and beaten with gun butts and sticks.

642. **Gh. Nabi Dar**, from Yachkote Budgam, State of Jammu and Kashmir, was reportedly shot in the leg by army personnel belonging to the 34th RR and 35th RR on 9 June 2001. He reportedly lost consciousness, and was left lying on the ground. He was subsequently taken by his relatives to Barzulla Bone and Joint Hospital, where doctors reportedly thought that his leg would have to be amputated.

643. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1997, 1998, 1999 and 2000 regarding which no reply had been received.

644. By letter dated 31 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

645. **Safdar Ali Sheikh** was reportedly arrested by the army on 29 May 1999. His dead body was reportedly found on 1 June 1999 in Thathri hospital bearing multiple torture marks. A complaint application has reportedly been lodged for investigation, but it is believed that no action has been taken by the police.

646. **Anayat Ullah** was reportedly taken from his residence, Dandhal village, Doda, State of Jammu and Kashmir, on 17 May 1999, by personnel of the 10th RR, headed by a major. He was allegedly taken to an unknown place. His dead body was reportedly found, bearing marks of severe torture. An FIR dated May 1999 is said to have been registered against the army officers in Doda police station but no action has reportedly been taken.

647. **Kalu Chakrabarty** reportedly died on 4 September 1999 at Hooghly district jail, State of West Bengal. Despite the fact that the authorities claimed that he had committed suicide, a post-mortem examination carried out by the jail doctor reportedly described torture marks on his body, including broken joints in his left arm, deep black scars near the left corner of his right eye, and a cut of eight inches from his left chest extending towards his back, as well as blood clots on his forehead.

648. **Padum Sarna**, a member of United Liberation Front of Asom (ULFA), was reportedly arrested by the state police from Nagaon police headquarter on 20 January 2000 in Borhula, Bebejia, State of Assam, taken to Bebija police outpost and subsequently to the Nagaon police headquarters, where he is believed to have been severely tortured by the police during interrogation. The next day, the police reportedly stated that he had died on the spot during an encounter near the Kolongpar railway bridge at Senchowa. It is alleged that his body bore torture marks.

649. **Mohammad Shamim**, a government employee residing in Handwara, Kupwara, State of Jammu and Kashmir, was reportedly arrested by government forces at his home on the night of 20/21 February 2000 and released on 26 February. In detention, he was reportedly given electric shocks and had several toenails pulled out during interrogation. He is said to have died the next day in the Institute of Medical Sciences, Soura, Srinagar.

650. **Khagen Barman** was reportedly arrested by policemen from Hajo on 17 March 2000 at his home in Singimari Major Subba, near Hajo, Kamrup, State of Assam. He and his friend, **Madhab Barman**, are said to have been severely beaten and interrogated about the whereabouts of ULFA activists. Khagen Barman was subsequently dragged into the backyard and shot dead with eight bullets. His relatives were reportedly beaten and the neighbours threatened with dire consequences if they did not sign a statement claiming that Khagen Barman had died in an encounter. Madhab Barman has reportedly been missing since his arrest.

651. **Sirajul Haque** and **Nazimuddin Ahmed** were reportedly shot at by police officers from Barpeta police headquarters, State of Assam, on 30 April 2000 when policemen, led by an officer, allegedly cordoned off the market place of Kamalabari Chowk and started beating local people indiscriminately, asking about a ULFA activist. The police allegedly also opened fire. Sirajul Haque was allegedly shot at point blank range and left injured in a roadside ditch. Nazimuddin Ahmed was reportedly picked up subsequently, blindfolded, taken to a police vehicle and shot dead at Nagaon. The local police are said to have claimed that he had died in an encounter.

652. **Prasanta Bahbaria**, a mentally handicapped youth, was reportedly injured by Assam police at his residence, Garguri Chawdang Gaon, State of Assam, on 11 July 2000 when, during a search for ULFA activists, the police entered his family's house. Out of fear, he started to run and was allegedly shot at by the police, wounding him seriously. He was reportedly later admitted to hospital.

653. **Binoy Das** and his father, **Tapan Das**, were reportedly beaten by police, including the officer in charge of Kuklung police station, State of Assam, on 13 September 2000, in the presence of a watching crowd. After the beating, on their way home, Binoy Das is believed to have vomitted blood. They were both taken to the nearby Ballamguri primary health centre, but Binoy Das allegedly died before reaching the health centre.

654. **Fakon Das** was reportedly beaten to death by policemen at the checkpoint on the Assam-Arunachal Pradesh border on 26 September 2000 when he failed to respond when three policemen told him to; he did, however, reportedly stop when he reached the actual checkpoint. He and his assistants, **Birjulal Munda** and **A.K. Jha**, were allegedly seriously beaten by the three officers. Fakon Das was reportedly taken to Pasighat hospital by some truckers, but allegedly died two days later. The three policemen have reportedly been suspended in connection with this case.

655. **Abdul Gadir Ganei**, a 70-year-old man living in Khag, Nassarullah, Beerwah, Budgam, State of Jammu and Kashmir, was reportedly shot at by personnel of the 34th RR Khag on 15 October 2000 whilst working in his paddy fields. When they saw him, they allegedly fired at him with a machine gun and continued when he shouted for help. He was allegedly hit in the leg, which was allegedly subsequently amputated.

656. **Abdul Majid Khan**, a 30-year-old owner of a pharmacy, was reportedly taken from his shop in Khalipora Batpora, Tangmarag, Baramullah, State of Jammu and Kashmir, by three soldiers from a field regiment camped at Batpora, on 8 January 2001. His dead body, bearing visible marks of torture and dozens of bullet wounds, was reportedly found the next day in a nearby field.

657. **Three people** were reportedly killed and **37 injured** when police opened fire on a protest march in Maharashtra on 25 June 2001, organized by the Adivasi Bhoomi Hakka Andolan (Tribal Land Rights Movement), after a local politician accused of sexually assaulting an Adivasi girl was released on bail from the police station in Puntamba village, Kopargoan district.

Pradeep Dushing and Indu Manjare, two of the leaders of the Movement, were allegedly picked out by the police and shot dead at close range as they ran away, and 15 Adivasi activists were arrested and charged with the attempted murder of a policeman. The government of Maharahstra is said to have ordered an inquiry into the shooting.

658. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

659. **Mrs. Misra, wife of Nazam u din,** was reportedly raped by personnel of the 25th RR and the 8th RR on 28 January 1998 in her house, in the village Mailgam Prem Nager, Doda, State of Jammu and Kashmir, including by a captain. Another woman was reportedly raped by the same men at around the same time. An FIR has reportedly been lodged but no legal action has allegedly been taken. Since then, Mrs. Misra and her family have reportedly received death threats.

660. **Lala Begum, wife of Fateh Mohammad,** was reportedly raped by a soldier on 7 May 1999 in her house, in Persholla village, Doda, State of Jammu and Kashmir. Three members of the 8th RR from Gulmana camp reportedly entered her house and severely beat the inhabitants, including her father-in-law and some minors. She was allegedly taken in a room, stripped and beaten. Although she was reportedly 8 months pregnant, she was reportedly raped by one of the soldiers and threatened with death not to tell anybody about the incident. At the police station in Doda, an officer allegedly refused to register her complaint.

661. **Jyotsna Bal** was reportedly taken by plain clothes police from her home to Gariahat and subsequently to Lal Bazar police lockup on 21 April 1999. During transfer, she was allegedly beaten. She was reportedly later told that she had been arrested for the theft of several pieces of furniture, on the basis of a complaint filed by her husband's relatives, who were believed to have been motivated by a housing dispute. She was reportedly remanded in custody until 26 April, despite being ill. On 23 April, she was taken to the Medical College hospital where she was allegedly given some unidentified medicine. On 24 April, she was reportedly told to sign papers, including blank papers, at Gariahat station. When she refused, she was reportedly slapped, had her hair pulled and was threatened with prolonged detention. Upon release on 26 April, the police allegedly told her not to return until 10 May to her property, where her husband's family had moved in. She allegedly continues to fear harassment from the police.

662. **Sarva Begum, wife of Muhammad Sharief Khan,** was reportedly raped by four men belonging to the Village Defence Committee (VDC) and the Special Task Force (STF) in her residence, Kantoyee village, Kashtigargh, Doda, State of Jammu and Kashmir, on the night of 30/31 January 2000. Soldiers reportedly forcibly entered her house and brought her to the stable, where four of them allegedly raped her. Although an FIR was registered on 7 February 2000, the police are said to have taken no action. She and her family are believed to have been receiving death threats since.

663. **Rupa Nath**, aged 11, and her sister, **Oirabati Nath**, were reportedly arrested by Gogamukh police, State of Assam, on 2 February 2000. In custody, they were allegedly interrogated and severely beaten. The next day, they were reportedly handed over to Ghilamara police station, where they were repeatedly raped by officers. Rupa Nath was allegedly later left on the highway near the 2nd Culvert of Gogamukh. Once released, they were reportedly taken to Gogamukh hospital.

664. Twelve women - **Sala**, **Renuka**, **Bhavani**, **Umayavalli**, **Chelli**, **Amutha**, **Nagarani**, **Palayam**, **Kannagi**, **Veerammal**, **Velankanni** and **Indira** - and two children - **Anand** and **Mani** - were reportedly ill-treated in connection with the case of Nathan, who reportedly died in custody at F-1 police station, Tamil Nadu, on 17 February 2000, following alleged torture. On 11 February 2000, Sala, his wife, was reportedly beaten in custody in Chennai and had her fingers bent backwards. A day later, Renuka, Bhavani, Umayavalli, Chelli and Amutha were reportedly arrested, pulled by the hair, beaten and sexually and verbally abused. On 13 February 2000, Veerammal, Nathan's mother, Nagarani, Palayam, Kannagi, Velankanni and Indira were reportedly beaten on the hands and verbally abused. Anand and Mani were reportedly detained on 13 February, and Anand was allegedly pierced with a needle in his genitals.

665. **Nazira Begum** was allegedly gagged and raped by two members of the 8th RR, based at Bharat on 5 April 2000, whilst her husband was in custody. They reportedly threatened that if she did not give information on the whereabouts of her husband's weapons, they would shoot her and throw her into the river. They allegedly warned her that if she told anyone her husband would be killed.

666. **Mariam Yousuf Gujjar**, wife of Muhammad Yousaf, aged 19, was reportedly raped by five men of the 26th RR on 11 April 2000, close to her residence, Patzani village, Banjwa, Thathri, State of Jammu and Kashmir. On 10 April 1999, her husband was reportedly taken to the nearby army camp by a group of about 16 armed soldiers. The next day, soldiers allegedly returned to her home, asking for his whereabouts. While the other inhabitants were reportedly beaten and locked away, she was gagged and raped. She allegedly lost consciousness. She was reportedly examined by a doctor on 12 April 2000 in the Doda district hospital.

667. **Mercy Kabui** was reportedly raped at gunpoint by two members of the 112th battalion of the Central Reserve Police Force (CRPF) at her home in Lamdan Khullen village, Churachandpur, Manipur in July 2000. Her husband, **Akham**, was reportedly beaten by order of the assistant commander, and her father-in-law, **Maringmi Thaitounga**, the village chief of Lamdan Khullen, was reportedly forcibly prevented by an officer from intervening on their behalf. Following the departure of the CRPF personnel, Maringmi Thaitounga allegedly reported the incident to the commanding officer of the army camp and lodged a complaint at Loktak Police Station. CRPF officials stationed in Lamdan reportedly denied the accusations. The police reportedly initiated an investigation, however, the CRPF were reportedly failing to cooperate, so that it was not concluded.

668. **Sakina Begum**, **Naseema Begum** and **Hasina Begum** were reportedly raped by members of the 8th RR on 1 June 2001 in Behota, Mermat, a day after the visit of human rights defenders to the area and whilst all the male relatives were away from the house. Sakina Begum, who is elderly, was allegedly beaten on the head and back with a stick, kicked in the abdomen and then raped by a soldier. Nasema and Hasina Begum were reportedly beaten with rifle butts. Nasima Begum was reportedly raped by one soldier whilst two held her down, and her baby was allegedly thrown to the floor. Hasina Begum was said to have been raped by two soldiers. At Doda district hospital, the staff allegedly did not produce accurate medical reports. An FIR was lodged at Doda police station but no action has reportedly been taken.

669. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

670. **Malik, Manikandan, Samual, Subetha** (f), **Laila Beevi** (f), **Vijayalakshmi** (f), **Subbulakshmi** (f), **Mary** (f), **Malika** (f), **Kallathiyan, Isakki, Rajammal** (f), **Chandran** (f), **Victoria** (f), **Pappa** (f), **Lakshi Ammal** (f), **Seetha Laakshmi** (f) and **K. Parvathy** (f) were reportedly victims of excessive use of force by the police on 23 July 1999 during a peaceful protest march of Manjolai tea estate workers and their supporters in Tirunelveli, South Tamil Nadu. The demonstrators are said to have marched to the Tirunelveli District Collector's office to demand the release of 652 tea workers previously detained for holding a peaceful rally. According to the information received, police charged the crowd with lathis and fired tear gas and tear shots to disperse the demonstrators. Once the demonstration had dispersed, police are alleged to have kept beating demonstrators. It is reported that women who were taken to Tirunelveli police station were stripped naked, beaten and verbally humiliated. Furthermore, the following people reportedly died as a result of the alleged police brutality during the dispersal of the march: **Sha Navas, Josphin** (f), **Murugan, Raju, Arumugam, Rathinam, Jayaseelan, Kutti Kumar, John Boopalarayar, Ennacy Manickam, Anthony, Sanjeevi, Vignesh, Rathinamary** (f), **Velayudam, Keisar** and **Abdul Rahman.**

Urgent appeals

671. On 22 January 2001, the Special Rapporteur sent an urgent appeal on behalf of **Mohammad Yousuf Gabroo, Gul Mohammad Naik**, **Mushtaq Ahmad** and **Bilal Ahmad Mir**, employees of the State Forest Corporation. On 16 January they were reportedly abducted by several men belonging to the armed opposition group Lashkar-i-Toiba who forced the four men to drive them to the airport at Srinagar in three jeeps belonging to the State Forest Corporation, attacked the airport and later released the four State Forest Corporation employees, who then went to the police station at Parampora district to report the incident. At the police station they were supposedly handed over to the Special Operations Group (SOG), a police division said to have been created specifically to combat militant activity in the State of Jammu and Kashmir. The police have allegedly indicated that the four men were detained incommunicado because they were suspected militants, and that Bilal Ahmad Mir was killed during an escape attempt made while directing police to a Lashkar-i-Toiba hideout. It is believed that he died as a result of torture since his body reportedly bore marks of severe torture.

672. On 26 January 2001, the Special Rapporteur sent an urgent appeal on behalf of **Massrat Alam Bhat**, the General Secretary of the political party the Muslim League, who was reportedly arrested by the SOG on 17 January while participating in a demonstration in Srinagar to demand the return of the bodies of militants killed during a shootout at Srinagar airport. It is reported that Massrat Alam Bhat is being held at a joint interrogation centre.

673. On 17 March 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Mohammad Yousuf Sofi**, a member of the political party Jamat Islami who was reportedly arrested by police on 16 March 2001 and was believed to be held at SOG headquarters at the airport cargo complex in Srinagar. He was said to have been arrested with a number of other political leaders when they attempted to join a protest march in Srinagar, reportedly organized after Hindu extremists had publicly burned the Koran in New Delhi. On 17 March, the detainees were reportedly taken to the home of one of the persons arrested, **Syed Ali Shah Geelani**, a senior leader of Jamat Islami, in Hyderpora, where all but Mohammad Yousuf Sofi were reportedly released. When Syed Ali Shah Geelani protested that Mohammad Yousuf Sofi was not being released, several police officers reportedly beat him unconscious, some of them using rifle butts.

674. By letter dated 15 October 2001, the Government stated that on 9 January 2001, Syed Ali Shah Geelani had masterminded an attempt to kill a moderate member of Hurriyat. A pistol and ammunition were found at the Hurriyat headquarters. He was detained under the PSA on 28 March 2001, and in Kotebalwal jail since 29 March. The Government rejects the allegations of torture and harassment levelled against the police by Syed Ali Shah Geelani.

675. On 28 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **16 tribal people belonging to Adivasis ethnic group**, including 6 women, **Chellammal, Nanjammal, Ponnuammal, Karattiammal, Lakshmi and Chellammal,** and 10 men, **Pandian, Kottiyan, Velingiri, Maruthaiyyan, Maruthan, Murugesan, Kali, Perumal, Nagapandian and Ponnu Swamy,** who had reportedly been arrested on 12 June 2001 by the police, following an intervention by the police in Thuvaipathy village, Coimbatore district, Tamil Nadu. A group of Adivasis was said to have attempted to reoccupy and cultivate their ancestral lands which had reportedly been fenced off and were said to be under the protection of police forces for the construction of the Coimbatore Zoological Park (CZP). The Adivasis are said to have faced repeated threats and assaults from the authorities and officials from the CZP, as well as destruction of their property, since they reportedly started resisting attempts to displace them.

Follow-up to previously transmitted communications

676. Concerning Fatima (see E/CN.4/1999/61, para. 301), the Government responded by letter dated 11 October 2001, stating that the investigation had revealed that the place where the alleged incident was supposed to have taken place falls within the area of responsibility of the RR for counter-insurgency operations. Records do not show the arrest of any person by the name of Fatima, whose surname is believed by the Government to be Bano, on the date in question, and no FIR has been lodged regarding such an incident with the Vilgram police station.

The Headman of the village has testified that no person by that name has ever resided in Hundi. The Government further stated that the Indian army is a professional army, and has an enviable record of meting out exemplary punishment to persons violating the modesty of a woman.

677. Concerning **Rajinder Singh** (ibid., para. 307), the Government responded by letter dated 22 January 2001 to a letter sent by the Special Rapporteur on 19 November 1998, stating that he had been arrested on 18 June 1998 by the Ropar police under the Arms Act, for carrying a pistol. He was remanded in police custody until 20 June 1998, then in judicial custody until August of the same year when he was released on bail.

678. Concerning Hidayut-ul-Rashid (ibid., para. 299), the Government responded by letter dated 16 October 2001, stating that Natipora, Srinagar, is not within the jurisdiction of the army, but of the police station at Sadar, Srinagar. No FIR has been lodged against the security forces regarding the incident in question. An investigation revealed that there is no evidence suggesting that Hidayut-ul-Rashid was apprehended and tortured by the 13th Garhwal Rifles on 26-30 March 1998.

679. Concerning Nana Kaur (ibid., para. 298), the Government responded by letter dated 15 October 2001 stating that she had never been arrested or interrogated by the Punjab police.

680. Concerning K. Ojit Singh (ibid., para. 294), the Government responded by letter dated 23 January 2001 stating that security forces that requested K. Ojit Singh to stop but that he had tried to run away. He was chased for about 300 metres. In his efforts to escape, he dashed into a wall and fell down, got back up and fell into a ditch on the side of an embankment. He was overpowered and apprehended at 5 a.m. on 19 February 1997. He was provided first aid. During questioning, he confessed that he was a member of the People's Revolutionary Party of Kangleipak (PREPAK). At about 3.15 p.m., he was taken to the Singjamei police station in Imphal, whose officer-in-charge sent him to the district hospital. There the district medical officer administered 11 injections and prescribed medicine. K. Ojit Singh was brought back to the Singjamei police station where he was handed over to the civil police at 5.45 p.m. ANFIR was lodged with the police station. He later died in police custody at 4.30 a.m. on 20 February 1997. His mother filed a petition with the Guwahati High Court which awarded compensation of Rs 1,500,000.

681. Concerning Dhirawati Choudhari (ibid., para. 543), the Government responded by letter dated 15 October 2001, stating that on 23 February 1999, four youths had been detained and interrogated at Bongaigaon for having painted provocative slogans on the walls of the Oil India Limited Complex. They stated that they had done so at the behest of Dhirawati Choudhari. They were subsequently released. On 24 February 1999, she led a group of 12 women near the gate at the office of the district magistrate shouting provocative slogans and disturbing the peace. When the staff of Bongaigaon police station tried to restrain the women, they went berserk and assaulted the police personnel. Dhirawati Choudhari was not disrobed or assaulted. She was arrested and released on bail by the chief judicial magistrate in Bongaigaon. She was detained

under the National Security Act by the district magistrate, inter alia on the grounds that she defied instructions of the district administration and instigated people to attack police personnel on duty. On the recommendation of the Advisory Board constituted under the NSA 1980, she was released from detention and no legal action is pending against her.

682. Concerning Phanjouban Boboy, Khanumayum Joychandra and Samjetsabam (ibid., para. 296), the Government responded by letter dated 16 October 2001 that an army court of inquiry which was ordered into the incident was constituted on 30 July 1998 and finalized its opinion on 8 August 1998 after examining 23 witnesses, including the soldiers and the eight children who had allegedly been sodomized or beaten by them. The findings of the court revealed that statements by the alleged victims were contradictory. Furthermore, villagers of Laupaochum stated that there was initially no complaint of sexual abuse and that they had been threatened by pressure groups. A medical examination by the police surgeon of the alleged victims on 3 August 1998 ruled out sexual abuse. The Government stated that it was not possible that a sexual act could be performed on three children in the presence of five others and in full view of other personnel, in an open area and close to the road. The court has blamed an army officer for subjecting the children to corporal punishment, but considered the allegations of sexual abuse to be as false.

683. Concerning Balbir Singh Bains and Sukhminder Singh (see E/CN.4/2000/9, para. 545), the Government responded by letter dated 7 February 2001, stating that they were arrested when they reached Delhi on 29 June 1999 and an FIR under the Explosives Substances Act was registered at the Kashmere Gate police station, Delhi. Interrogation of Balbir Singh Bains revealed that he was acting on behalf of the Chief of Babbar Khalsa International, based in Pakistan.

684. Concerning Hari Shankar Pal (ibid., para. 490), the Government responded by letter dated 16 October 2001, stating that the Central Bureau of Investigation (CBI) had investigated the matter and had filed a charge sheet against the station house officer and the assistant sub-inspector in the magistrate's court on 10 December 1999. The chief metropolitan magistrate took cognizance of the case for trial, but the accused filed a revision petition challenging the authority of the court on the grounds of the period of limitation. The additional sessions judge issued an order on 29 July 2000 discharging the station house officer. The CBI filed a revision petition in the Delhi High Court against this order on 11 November 2000, which was admitted and posted for hearing on 7 May 2001. The matter is now pending and further progress of the case now depends on orders of the High Court. The National Human Rights Commission would be taking action only after receipt of the orders of the Delhi High Court on the appeal filed by the CBI.

685. Concerning Shabir Ahmad Beigh (ibid., para. 558), the Government responded by letter dated 11 October 2001, stating that no report had been lodged in any police station in the State of Jammu and Kashmir regarding his arrest and torture.

686. Concerning Mohammad Salim Bhat (ibid., para. 556) the Government responded by letter dated 11 October 2001, stating that he had been called in for questioning on 13 May 2000 by the SOG. The Government indicated that he was now attending to his normal business at the shop.

687. Concerning Mohammad Sikandar Peer (ibid., para. 541), the Government responded by letter dated 12 October 2001, stating that on 29 August 1998 the post at Aloosa had received a report from the villagers that his dead body had been found. The body was handed over to the civilian police who sent patrols to the house of the deceased where it was discovered that he had been alone in the house on 28/29 August and that no operations had been conducted in the vicinity. No FIR has been lodged with the police regarding this incident. It is understood that he was the victim of inter-gang rivalry. His wife and children went to Pakistan on visas bearing false names in late 1998/early 1999.

688. Concerning Asim Chakrabarty and Vivek Sarkar (see E/CN.4/2001/66, para. 552), the Government responded by letter dated 12 October 2001, stating that the above-named and seven others had entered the police station on 26 March 2000, demanding to know why two of their supporters had been arrested the same evening. The police explained that they had been released. The Government indicated that the situation then became tense and following hot exchanges between the police officers and the above-named, a melee ensued. The police resorted to a cane charge to disperse the agitated persons as they were pelting stones at the police vehicles. In the process Asim Chakrabarty and Vivek Sarkar, as well as two sub-inspectors, three assistant sub-inspectors and three constables, sustained injuries. A complaint was lodged against Vivek Sarkar and others by the officer-in-charge, and Vivek Sarker lodged a complain against the officer-in-charge of the Siliguri police station and nine other police personnel.

689. Concerning Colonel Save (ibid., para. 553), the Government responded by letter dated 11 October 2001, stating that during an opposition demonstration against a proposed port project, the executive magistrate had ordered a mild cane charge. The above-named, who was opposed to the project, and others were arrested on charges of rioting and taken to Umbergaon police station on 7 April 2000. All the accused were produced before the judicial magistrate on 8 April, and none complained of police brutality. On the same day, Colonel Save complained of feeling ill, and was immediately taken to a local hospital, and later to Hinduja hospital in Mumbai, where he died on 24 April 2000. The cause of death was certified as "acute sub-dural haematoma complicated by sepsis and multiple organ failure". An offence of murder was registered against the deputy superintendent and the sub-inspector at Umargaon police station. The government of Gujarat appointed a judicial commission headed by a retired High Court judge to investigate the death. Any further action on the part of the State government will be determined by the outcome of the findings of this commission.

690. By fax dated 1 May 2001, the Government drew the attention of the Special Rapporteur to the statement made by the representative of India during the fifty-seventh session of the Commission on Human Rights under agenda item 11. In particular, the Government pointed out that the Special Rapporteur's assessment of the situation in India pertaining to torture was unbalanced. Incidents of torture are addressed by democratic institutions, the independent judiciary and a fiercely free press, as well as a thriving civil society. Since 1993, the National Human Rights Commission and State-level commissions had been active in the area. Between September 1997 and 2000, the National Human Rights Commission had ordered compensation to victims in 98 cases and disciplinary proceedings in 143 cases involving erring police officers.

Regarding the Special Rapporteur's observation that the use of excessive and unprovoked force was common, especially in response to protests, the Government stated that force was only used against demonstrators indulging in violence and that such allegations were investigated. Regarding impunity, the Government stated that instances of excesses are dealt with promptly and erring officials are punished. In the State of Jammu and Kashmir, 94 security officials have been sentenced to varying terms of imprisonment, 22 dismissed from service and 61 subjected to departmental penalties. Furthermore, the Government informed the Special Rapporteur of other steps taken to address the problem of torture, such as human rights education and the issuing of guidelines on human rights protection to all central paramilitary forces. Since December 1993, the National Human Rights Commission required district magistrates and superintendents of police to report any instance of custodial death or rape to the Commission within 24 hours. Failure to do so would lead to a presumption that the occurrence was being oppressed. The Commission also recommended that the Government to insert a section in the Indian Evidence Act to introduce a rebuttable presumption that injuries sustained in police custody have been caused by a police officer, and to ensure that post-mortem examinations in respect of deaths in custody are filmed and the film sent to the Commission with the report of the examination. Finally, the Government regretted that the Special Rapporteur had understated the situation of large-scale violence and brutality perpetrated by terrorists by referring in his observations (see E/CN.4/2001/66, para. 583) to the activities of "terrorist outfits" as "armed resistance".

Indonesia

691. By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

692. **Yance Mesak Wabdaron**, a member of the "Team of 100", a group established to conduct talks with the central authorities on Papua's political status, reportedly had his legs broken upon arrest during a pro-independence demonstration and was subsequently detained in the main police station in Sorong, Papua, on 5 July 1999. He was reportedly taken to hospital on 14 July 1999. A number of other protestors were reportedly also injured when the police tried to disperse them by hitting them with guns and bamboo sticks. **Frans Isir**, a student, was reportedly shot in the neck by a police officer riding a motorcycle near a park. **Yakomina Isir**, a member of the "Team of 100", was among a group of 22 people detained by the police following the incident, and later released for hospital treatment. **Martinus Homer** suffered broken legs at the time of arrest.

693. **Apolos Sewa**, a local pro-independence leader, was reportedly arrested, beaten and verbally abused by members of the Police Mobile Brigade (Brimob) on 27 July 2000 in Sorong, Papua, during a public demonstration prompted by the arrival of persons internally displaced by the ongoing communal violence in the Moluccan islands. Security forces, including members of Brimob and a joint army-navy team, allegedly responded by opening fire on the protestors, wounding at least 13 people, 6 of them seriously.

694. With respect to East Timor, the Special Rapporteur transmitted to the Government information on the following individual cases.

695. **Carlito Agustino** was reportedly wounded by the Indonesian army (Tentara Nasional Indonesia, TNI) and Aittorak militia on 11 September 1999 in Bekusi Bowah. On his way home, he was reportedly intercepted by a combined TNI and Aittarak militia force. When he tried to evade them, the militia members allegedly fired on him, hitting him in the chest and arm. His finger was reportedly cut off. He was reportedly later found and transferred to the Bidau hospital.

696. **Pinto Gutteres** was reportedly injured by a militiaman belonging to a joint TNI Aittrak unit in front of the church of Balide on 7 September 1999 while trying to flee by motorcycle after the announcement of the referendum results. He reportedly received cuts to the head and the thigh, fell from the motorcycle and fainted.

697. **Marcelino Muskitu**, aged 16, was reportedly injured by members of the TNI, who allegedly interrogated him about his family's whereabouts on 4 September 1999 in Bekusi Bawah. His back and thigh were reportedly slashed by a TNI soldier who allegedly threatened him that if refugees hiding in the mountains tried to come back and get food, they would be killed. Marcelino Muskitu's elder brother was reportedly also cut in the back and left arm.

698. **Alfonso Soares** was reportedly injured by a TNI soldier, in Audian on 7 September 1999. According to the information received, during the attack by the Aittarak militia and TNI in Audian, Alfonso Soares was trapped by the attackers. One of them allegedly hit him with a sabre.

699. **Alarico** was reportedly tortured by a TNI soldier on 2 September 1999 in Bekusi. His hair was reportedly pulled and he was shot in the right thigh. It is alleged that the soldier left afterwards. Alarico was reportedly taken to the Motael clinic and subsequently transferred to the Bidau hospital.

700. **Alvanho Gochonho** was reportedly tortured by members of the Besi Merah Putih militia in Lorurba on 10 September 1999, after having been accused of killing a militia commander. His arm was reportedly cut and he was stabbed in the stomach. As he fell down, the militiamen allegedly tried to shoot him. On 27 September he was reportedly taken to Dili, where he received medical treatment.

701. **Alfonso de Melo Ferreira** was reportedly subjected to torture by two Aittarak militiamen who entered his house in Bekora on 4 September 1999. His neck was reportedly cut and he was allegedly stabbed five times in the back. He reportedly fell, pretending that he was dead. One of the militia men is believed to have subsequently set him on fire. After the departure of the attackers, Alfonso de Melo Ferreira allegedly managed to escape and was reportedly taken to the Motael hospital.

702. **Nelson Freitas**, from Gari, Uai village, was reportedly arrested by ABRI, a combined team of the Indonesian security forces, on 15 March 1999, who beat him severely and took his identification card before sending him home.

703. **Manuel Sarmento da Silva** was reportedly arrested on 12 April 1999 by a combined team led by the East Aceh District Military Command (Kodim) 1628, Baucau, during an investigation in a Bucoli street. He was allegedly taken to Kodim headquarters, where he was interrogated and beaten allegedly because he had in his possession a National Council of Timorese Resistance (CNRT) document.

704. **Pedro dos Santos**, from Komoro, Dili, was reportedly arrested on 14 April 1999 by Brimob officers of the Baucau detention centre, Buruma village. According to the information received, he was beaten severely before being released the following day.

705. **Domingos da Costa Freitas** and **Marcelino da Silva Martins** were reportedly arrested on 13 April 1999 at Bacau detention centre because of their alleged links to a bomb explosion at a Brimob guard post. They were reportedly beaten during the investigation. As a result, the two sustained head injuries and Domingos da Costa Freitas reportedly lost one of his teeth.

706. **Carlos Ximenes** was reportedly arrested on 22 April 1999 by ABRI members who were on duty at Lanud Baucau, suspected of being a communist. During detention, he was reportedly beaten, and released on the same day.

707. **Jose dos Santos** was reportedly captured by Besi Merah Putih militia in Loedahar in May 1999. He was subsequently taken to the militia post, where he was allegedly beaten on the head and kicked, as a result of which his right leg and arm sustained injuries. He was reportedly later transferred to a hospital, where he is believed to have feared for his life as he was allegedly suspected of being an armed fighter.

708. **Mario Amaral** was reportedly beaten by a member of the Laksaur militia group on 19 August 1999 in front of a police station in Suai. As a result, he reportedly sustained severe bruises all over his body. According to the information received, his friends tried to help him and threw stones at the militia, who were reportedly joined by the police and allegedly threw grenades into the crowd, which failed to explode.

709. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998, 1999 and 2000 regarding which no reply had been received.

710. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information regarding **Muhammad Saleh** and **Muzakkir**, two members of the Centre for a Referendum in Aceh (Sentral Informasi Referendum Aceh), who had reportedly been abducted by armed men in plain clothes from a car repair workshop in Banda Aceh on 19 September 2000, allegedly in connection with their work. They were reportedly taken to Brimob headquarters in Jilinke, Banda Aceh, where they were allegedly stripped, beaten with aerial cable, rifle butts, belts and chairs, and threatened with a knife. Three hours later, they were reportedly driven to the Aceh Regional Police Headquarters, where they were allegedly beaten and kicked during interrogation, and released the following day. Both of them reportedly required hospital treatment. As a result of the treatment, Muhammad Saleh reportedly sustained broken ribs.

711. By letter dated 15 August 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual cases.

712. **Anwar Yusuf**, a volunteer with the Forum for the Attention of Human Rights (Forum Peduli Hak Asasi Manusia) was reportedly arrested in connection with his human rights work at his home in East Aceh by members of the Idi Rayeuk subdistrict Military Command (Koramil) on 7 February 1999, and subsequently taken to a private house, where he is alleged to have been interrogated by four members of the TNI. During the interrogation, he was reportedly threatened with death, beaten with a wooden stick, a broom and a chair, to have had hot coffee poured over him and to have been forced to squat on the floor with a wooden block wedged behind his knees. The following day, he was reportedly transferred to the Kodim before being taken into police custody on 10 February 1999 and released. The police had reportedly denied the fact that he had been detained.

713. **Amrisaldin**, a volunteer with an Aceh-based humanitarian organization, Save Emergency for Aceh (SEFA), was reportedly detained by members of Brimob on 5 September 2000 during a stop and search operation in Meukek subdistrict, South Aceh. During his detention he was allegedly interrogated and tortured for five hours. He was reportedly kicked, slashed with a knife and had his pubic and chest hair burnt. He was reportedly released the following day, after having been forced to sign a letter in which he promised not to raise the case publicly.

714. **Indra P. Keumala** (alias Iin), a volunteer with the Commission for Disappearances and Victims of Violence (Kontras), and **Happy** (alias Lalok), a 22-year-old member of the People's Crisis centre (PCC), were reportedly arrested by the police on 17 July 2001 and detained at the police sector (Polsek). Between 10 and 20 police officers at the Rikit Gaib Polsek allegedly kicked and beat them, burnt Indra's fingers with cigarettes, beat their genitals with an iron bar, threatened them with death and covered them with faeces. After being forced to sign documents they did not understand, they were released after 24 hours.

715. By letter dated 31 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

716. **Ori Ndoronggi**, a 17-year-old junior high school student in Jayapura, was reportedly beaten to death by policemen after he was arrested, along with 103 others, after a police post in Abepura was allegedly attacked by unidentified people on 7 December 2000. **Rubus Kogoya** and **Silius Gwijangge**, two students, were allegedly also detained and tortured in police custody.

717. **Martinho Vidal**, **Antonio Labato**, **Horlando Homai** and **Sakunar**, referendum monitors at Batu Berlihu district, were reportedly beaten for nearly one hour and subsequently executed on a beach by members of the Aittarak militia on 30 September 1999 after they were stopped in Hera.

718. **Abelek Murib** (f) reportedly died four hours after having been beaten by a Brimob officer with a rifle butt on 1 December 1999 in Timika town, Papua, when Brimob allegedly began to forcibly disperse protestors who refused to lower the Papuan flag. They reportedly beat a number of demonstrators with batons and rifle butts, threw tear-gas canisters and opened fire directly on the crowd. Dozens of people were allegedly injured, including 19 people with gunshot wounds, including one woman who allegedly had to have her leg amputated.

719. **Jafar Siddiq Hamzah**, an Acehnese human rights activist and lawyer, on behalf of whom the Special Representative of the Secretary-General on human rights defenders and the Special Rapporteur on extrajudicial, summary or arbitrary executions have already intervened, was reportedly found dead on 2 September 2000 after his disappearance on 5 August 2000. His body was reportedly identified as one of five corpses discovered in a ravine outside Medan in Merek subdistrict, Tanah Karo district, North Sumatra, and was allegedly bound in barbed wire and bore marks of torture. Both the security forces and the Free Aceh Movement (Gereakan Aceh Merdeka, GAM) denied responsibility for his death. A police investigation has allegedly so far failed to identify suspects.

720. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

721. **Sumiati Binti Hamzah** was reportedly raped at gunpoint by a member of the North Sumatra-based Territorial Battalion Yonif 126 on 16 August 1996. Upon discovering that she was pregnant as a result of the attack, she allegedly asked her attacker to provide her with financial compensation and was reportedly offered the equivalent of US$ 500 on condition that she did not report the case. In March 2000, a military tribunal in Medan reportedly ruled that the perpetrator should pay the victim 50,000 rupiah per month as maintenance for the child but no one has reportedly been held responsible for the rape.

722. **A number of women** were reportedly raped and sexually assaulted in the village of Alue Lhok in Matangkuli subdistrict, North Aceh, by men wearing military uniforms, carrying out operations in search of members of GAM on the night of 7 March 2000. Their male relatives were reportedly tied up and beaten. A fact-finding team headed by the Aceh branch of the National Human Rights Commission is said to have reported that three women had been raped, and that the military appeared to be responsible for the violations. No one has reportedly been arrested, charged or brought to trial in connection with the cases.

723. **Maria Pompeia** was reportedly subjected to sexual harassment and beatings by a public servant and a member of the Makikit militia on 20 March 1999 in Dilo village, Lacluta subdistrict. She was allegedly stripped, touched on her whole body and taken to the subdistrict military command. During the transfer, she and her three children were said to have been beaten and kicked. **Aniceto dos Santos Xavier**, aged 16, was allegedly hit with a rifle, **Jose da Costa Nunes**, aged 14, with an arrow, and **Justo Mesak**, aged 5, pulled by the hair. **Olinda Pinto Martins**, aged 41, was reportedly also beaten in the same incident.

724. **Candida Maria** was reportedly raped on 25 April 1999 by a commander of the Laksaur Merah Putih militia and a TNI sergeant, who is also said to be the Head of Belulik Leten village. She was allegedly raped in connection with the escape of her husband and threatened with death.

725. **Fernanda Beitau**, a 17-year-old student from Taroman hamlet, was reportedly raped by a member of the Laksaur Merah Putih militia on 26 May 1999.

726. **Azelia Amaral** was reportedly raped by a commander of the Laksaur Merah Putih militia and a civil servant at the Department of Education on 31 May 1999.

727. **Jacinta** (no surname) was reportedly raped by a commander of the Mahidi militia. According to the information received, the incident occurred in Hare Kain village, Mape, Zumulai, Covalina, in May 1999.

Urgent appeals

728. On 6 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Yusri Abdullah**, **Muzakir Syamaun** and **Armia Amin** who had reportedly been arrested in Aceh on 24 January 2001. Yusri Abdullah and Muzakir Syamaun were reportedly stopped by members of Brimob between the villages of Genteng and Jurong Baro in Glumpang Tiga subdistrict, Pidie district, ordered to get into a truck and driven towards the district capital, Sigli. Shortly afterwards, the truck stopped near Unoe village, Glumpang Tiga subdistrict. The Brimob officers allegedly forced Armia Amin to get into the truck and drove off again. They have reportedly not been seen again after being arrested. It is thought that they may have been detained in connection with the shooting of a police officer in Bandar Baru police district, Polsek.

729. By letter dated 12 March 2001, the Government indicated that on the morning of 24 January 2001, members of Brimob from Bandar Baru subdistrict came upon three individuals acting suspiciously. When they were not able to produce identity cards, the police escorted them to Pidie district police station for questioning. During questioning, Muzakir Syamaun and Armia Amin were identified, as well as another man. The police denied having arrested Yusri Abdullah. They were all released on the same day. During their detention, none of the men suffered any ill-treatment. The documents of their discharge stated that they were released by the police in good health.

730. On 26 April 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on the freedom of opinion and expression on behalf of **Dr. Badrul Amin Baharom** and **Lokman Nor Adam**, both members of the opposition, National Justice Party (Parti Keadilan Nasional). They were reportedly arrested on 20 April and 24 April 2001 respectively, and were said to be detained incommunicado under the Internal Security Act (ISA). It is believed that they were arrested in connection with the preparation of a rally during which a formal complaint and memorandum on the state of human rights in Malaysia was to be submitted to the National Human Rights Commission on 14 April 2001.

731. On 4 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **15 persons** who were said to be detained incommunicado at Manokwari police station in Papua on 30 April 2001 after clashes between police and local people which are said to have followed rumours that the police were about to remove a "Morning Star" flag, the symbol of Papuan independence, flying in the Fanındi district of Manokwari. It was reported that members of Brimob and the local police opened fire to disperse people who had gathered to defend the flag. It is believed that at least seven persons suffered gunshot wounds and required hospital treatment. Local people are also said to have thrown stones at the police and are suspected of having set fire to vehicles and damaged houses in the area.

732. By letter dated 15 June 2001, the Government responded that following the clashes in Manokwari between the police and pro-independence militants, only seven people were detained at the Manokwari police station in Papua on the grounds of having participated in unlawful actions, such as damaging property, arson and possession of weapons. Seven men were identified and were questioned and during their detention, none of them suffered any ill-treatment. The clashes originated after the police attempted to take down a flag symbolizing an independent Papua. The police action was met with armed resistance on the part of the crowd who used sharp weapons and Molotov cocktails and set vehicles on fire. Article 35 of the Constitution stipulates that the Indonesian flag is the "red and white flag". This article was violated by the raising of the flag in question. Furthermore, it was bound to whip up sectarian sentiment and to provoke violence and cause disruption of law and order, thereby justifying police intervention.

733. On 22 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **Marthen Kogoya**, **Gamo Tabuni**, **Stevanus Tabuni**, **Yohanes Murib**, **Keny Tabuni**, **Yohanes Tabuni**, **Wemi Telegen**, **Yondiles Telegen**, **Yemi Murip**, **Agustinus Murip**, **Kenius Wenda**, **Yomenus Enuby**, **Ekiles Yoman**, **Man Yoman**, **Keyman Tabuni** and **Yokiman Telegen** who had reportedly been arrested on 3 May 2001 and on behalf of whom the Special Rapporteur had sent an urgent appeal on 4 May 2001. These persons were reportedly held in Manokwari police station. It is alleged that following their initial 10-minute meeting with lawyers on 23 May 2001, their access to legal representation has been restricted. An armed group attacked a Brimob post in Wondiboi village, Wastor district, on 13 June 2001, killing five Brimob officers and one employee of a local company, Vatika Papuana Perkasa (VPP). It is believed that after the attack, Brimob officers detained and tortured 16 indigenous Papuan VPP employees. The latter were reportedly forced to crawl on the ground and were beaten by Brimob officers, in particular in Manokwari police station. They were allegedly subsequently released.

734. On 28 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **seven people, including four students, Saiful Bahri, Mauli Iskandar, Maimun, Jafaruddin Fajar, Abdullah Abra, Zikri** and **Syukriadi Syahputra,** who had reportedly been taken from their homes in Beurawe village, Kuta Alam subdistrict, in Banda Aceh, by a group of around 60 soldiers during the early hours of 26 June 2001. The soldiers, who were believed to belong to the Siliwangi unit of the TNI based in West Java, were said to have ransacked and destroyed the homes of the above-named persons.

735. On 6 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Syamsuddin** who had reportedly been arrested by about 20 Brimob members from Krueng Anoe village, Kuta Baro subdistrict, Aceh Besar district. He was allegedly beaten and kicked upon arrest.

736. On 9 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Idawati binti Hanafiah**, and her brother-in-law, **Jafar Ibrahim**, who had reportedly been arrested by Brimob officers in Aceh on 26 June 2001 in Rambong Meunasah Gadeng village in Mutiara subdistrict, Pidie district. The Brimob officers reportedly ransacked her stall and confiscated several of her belongings. Jafar Ibrahim was reportedly arrested at the same time. Both were believed to be held at Pidie police station.

737. On 10 July 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Hubertus Wresman** who had reportedly been taken from his home in Takar village, Pantai Timur subdistrict, Jayapura district in Papua by five armed, masked men, including members of the Special Forces Command (Kopassus) of the TNI, in the early hours of 25 June 2001. Those arresting him were reportedly searching the village for three local pro-independence activists, who had allegedly already fled, but the men reportedly found the wife of one of the activists and had reportedly put a gun in her mouth in an attempt to force her to reveal where her husband was hiding. The armed men reportedly kicked Hubertus Wresman and bound his eyes and mouth with tape. He was believed to be held by Kopassus officers stationed near his village in Betaf, the main town in the Pantai Timur subdistrict.

738. On 23 July 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Representative on human rights defenders on behalf of **Rufriadi**, coordinator of the Legal Aid Foundation (LBH), **Arie Maulana**, LBH staff member, **Tamrin Ananda**, Secretary-General of the Front for the Democratic Struggle of the Aceh People (FPDRA), **Hendra**, FPDRA member, **Mudal**, member of Students Solidarity with the People (SMUR), and **Fazal**, **Zamzami**, **Amri Saldin**, all SMUR members, as well as **Banta**, member of the Coalition of Achenese Students for Reform (KARMA), **Misdawan**, member of Peoples Network for Human Rights (JRP HAM), and **Oppie**, member of the Student Solidarity against Violence (SMAK), who had reportedly been arrested by the Brimob on 20 July 2001 and were said to be in police custody in Aceh. The Brimob was believed to have raided the LBH offices where a meeting was taking place to organize a campaign against militarism which began on 16 July. A police officer allegedly beat one of the persons arrested.

739. On 24 August 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of 19 activists, including members of the Young Christian Workers Movement (YCW), the Student League for National Democracy (LMND) and the Partai Rakyat Demokratik (PRD), who had reportedly been arrested during a demonstration on 15 June 2001 to protest against changes in labour laws and an increase in oil prices. The following 12 activists were said to continue to be detained in Bandung prison, West Java: **L.V Mardiyono, Normalinda, George Dominggus Hormat, Fransiskus Xavarius Farneubeun, Kahpi, Albertus Budi Pratomo, Hiskia Hartono, Edy Irwansah, Maraden Sinaga, Deny Nugraha, Wirya Wangsa Direja, Deny Kusmarna**.

The detainees reportedly released include: **Dindin Suherman, Asep Ruhyat, Andy Hartono, Anton Juahari, Donny Danudirjo, Yovi Wijaya, Sri Darwanti**. All are believed to have been subjected to ill-treatment and torture during their detention. They were allegedly frequently punched and kicked by policemen. It was reported that they went on hunger strike for eight days and were eventually given medical attention. The 12 detainees still being held have allegedly been forced into making false statements without the presence of a lawyer, which put them in danger of being convicted of serious offences carrying long prison sentences. They were reportedly brought before a judge on 14 August.

740. On 5 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **Apner Ronsumbre, Septinus Taname, R. Kinho, Asso, Galus Inanosa, Sedius Susure, Iba** and **Yermias Kambuaya**. Apner Ronsumbre, Septinus Taname and Yermias Kambuaya, who work for a local timber company, were allegedly arrested by Brimob officers on the evening of 27 August 2001 after an argument with the police. The police reportedly beat them before taking them to Bintuni Polsek in Manokwari district. The following day, a group of local villagers, led by Yulian Nauw, the local leader of a pro-independence militia group, the Papuan Taskforce (Satgas Papua), is said to have gone to the Polsek to demand their release. When the police refused, the group allegedly started throwing stones and firing arrows. The police reportedly fired warning shots in response, and then fired directly into the group when some of them refused to disperse. Two people, including Yulian Nauw, were reported to have been shot and require hospital treatment. Brimob reinforcements were sent to Bintuni following this incident.

741. On 28 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **Amelia Woisiri** whose husband, Daniel Yairus Ramar, died in police custody in Manokwari in July 2001. Her husband, the Head of the Council of the Tribal Wondama Community, had reportedly been accused of taking part in attacks in Wasior subdistrict, Manokwari district, earlier this year. On 6 August, Amelia Woisiri was reportedly questioned by the police in Manokwari about her husband's involvement in the attacks. She was allegedly told that if she did not cooperate, she would end up dead like her husband. Amelia Woisiri, who had been staying with family in Manokwari, was reportedly ordered by two members of the police to accompany them to Nabire on 15 August. It is believed that they wanted her to point out the location of her deceased husband's house and gardens. She is said to have initially refused to accompany them as the police did not have an official order. Her family finally agreed she would go, as they feared that the consequences might be worse if she did not. She has reportedly been held incommunicado at Nabire police station since 15 August.

Follow-up to previously transmitted communications

742. Concerning Muhammad Nazar (see E/CN.4/2001/66, para. 614), the Government responded by letter dated 12 March 2001 that he had been arrested by the Banda Aceh district police on 20 November 2000 on charges of disrupting public order by organizing a mass rally on 11 November and a protest on 17 August 2000, during which he displayed a giant banner accusing Indonesia of being "neo-colonialist". For these actions, he was charged with treason against the State. His trial opened at the Banda Aceh district court on 8 March 2001, during which the prosecution accused him of encouraging "people to rise up against Indonesia by

distributing pamphlets and banners inciting hatred against the legal government". The investigation proved that the allegation of torture and ill-treatment in police custody was unfounded. An International Committee of the Red Cross delegation had regular access to him in detention, and he received visits from his family and lawyer.

743. Concerning the killing of the three members of the "Rehabilitation Council for Torture Victims in Aceh" (ibid., para. 615), the Government responded by letter dated 13 March 2001, stating that, inter alia, the police authority and the National Commission on Human Rights had carried out separate investigations into the case and listened to the testimony of the only surviving eyewitness. Nine suspects, four civilians and five soldiers, were detained. The dossiers of the police investigation were submitted to the prosecutors' office in Aceh at the end of December 2000. When the prosecutors' office announced its intention to prosecute the suspects in a joint civil and military court in early January 2001, the National Commission on Human Rights expressed strong opposition on the grounds that the case constituted a gross violation of human rights and should therefore be tried by the Human Rights Court, which has yet to be established. On 13 February 2001, the National Commission on Human Rights sent a letter to the provincial office of the Prosecutor of Aceh requesting the transfer of the dossiers of the police investigation on this case.

Iran (Islamic Republic of)

744. By letter dated 30 September 2001 sent jointly with the Special Representative on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur advised the Government that he had received information on the imposition of corporal punishment, such as amputation, flogging and stoning, under note 2 of article 49 of the Islamic Penal Law. In particular, they had received information regarding **five young males**, aged between 14 and 25, who were reportedly flogged in public on 7 September 2001 in the town of Shandiz, 35 km north of the holy city of Mashhad, for robbery, drunkenness and disturbing public order. It is alleged that each of the five received 80 lashes during the Friday prayers. The Special Representative and the Special Rapporteur, jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, had sent a communication on 3 September expressing their concern regarding the application of corporal punishments which entail torture, such as flogging, and which are incompatible with applicable international human rights law. In that letter, they also expressed their view that the public application of those punishments was incompatible with human dignity, and condemned this practice as a means of public education.

Urgent appeals

745. On 23 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran, the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on violence against women, on behalf of **Maryam Ayoubi** who had reportedly been sentenced to death by stoning for the murder of her husband. Her accomplice, **Hossein Esna 'Asharyhas**, had reportedly also been sentenced to death.

746. On 30 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran on behalf of **Dr. Reza Reiss-Toussi**, whose health was believed to have recently worsened considerably. It is reported that one of his relatives visited him on 16 April 2001 and noted that he had marks and blood clots on his legs. Reference was also made to the appearance on Iranian State television of **Ali Afshari**, a detained student leader, on 16 May, reportedly at his own request, and without his lawyer present, "confessing" to a plot to overthrow the Islamic Republic of Iran. He had allegedly been arrested on 17 December 2000 by order of a revolutionary court for his remarks at a meeting at Tehran University on 26 November 2000. It was believed that his "confession" was broadcast even though he has yet to be charged or brought to trial. It was also believed that he has been held incommunicado since his arrest.

747. On 3 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran and the Special Rapporteur on extrajudicial, summary or arbitrary executions concerning the recent wave of public hangings and street floggings. It was reported that close to 20 public executions had occurred in the previous two months and 100 death sentences were upheld by the Supreme Court in one week alone in August. It is also reported that around 200 people were flogged during the month of August on various charges such as alcohol consumption and "harassing" women.

748. On 25 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on the situation of human rights in the Islamic Republic of Iran on behalf of **Abbas Amir Entezam**, on behalf of whom the Special Representative had intervened on several occasions since 1998 and most recently in August 2000. He was said to have recently been diagnosed with a severe prostate infection, haemorrhaging and scrotal oedema (swelling) and denied urgent medical care by the authorities at Evin prison, Tehran, despite the fact that this treatment has been called for by both his own and the court-approved "legal doctor". Abbas Amir Entezam had been given a temporary release from Evin prison the previous month for treatment which he received over a period of 24 days. On Sunday 16 September 2001, his treatment was disrupted and he was reportedly taken from hospital back to Evin prison.

Follow-up to previously transmitted communications

749. By letter dated 31 January 2001, the Government responded to an urgent appeal sent jointly by the Special Rapporteur with the Special Representative on human rights defenders, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of Akbar Ganji (see E/CN.4/2001/66, para. 630), stating that any allegations of torture and ill-treatment were false and that, on the basis of medical examinations by the Forensic Medicine Department, the above-named was found to be in perfect health.

750. By letter dated 17 April 2001, the Government provided further information on two urgent appeals sent by the Special Rapporteur with the Special Rapporteur on extrajudicial, summary or arbitrary executions.

751. Concerning Akbar Mohammadi (see E/CN.4/2001/66, paras. 622 and 625), it confirmed that he had been sentenced to 15 years' imprisonment. The Government pointed out that on several occasions, amnesties had been offered to prisoners. It hoped that in this case, such an offer would be made and that he would make the most of the opportunity.

752. Concerning Ali Hassanzadeh, Mostafa Nikbakht and Mirkhalil Seyyed Nazary (ibid., para. 629), the Government stated that all three had been sentenced to death for writing slogans against political leaders. It is reported that such offences normally, under article 514 of the Islamic Penal Code, carry a sentence of six months to two years of imprisonment.

Iraq

753. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

754. **Al-Shaikh Nasser Taresh al-Sa'idi** was reportedly detained in July 1999 in the building of the Security Directorate in Baghdad, where he is believed to have been stripped naked, handcuffed, suspended from a pole and given electric shocks to his penis and toes. He was allegedly tortured in order to identify his friend, **Al-Shaikh Yahya Mushin Ja'far al-Zeini**, a former theology student who was reportedly arrested on 2 July 1999. The latter's father and two brothers had allegedly also been detained as substitute prisoners until his arrest. Al-Shaikh Yahya Mushin Ja'far al-Zeini was reportedly also suspended, given electric shocks and beaten on his feet with a cable several times. He reportedly had to sleep on the floor with his hands tied behind his back for two months, was suspended from a window for three days, and had a heavy weight attached to his genitals. After five months of detention, he was reportedly transferred to the Security Directorate in Baghdad, where he is said to have remained without charge or trial until 14 April 2000, when he was released.

755. **Al-Shaikh Mohammad 'Azoiz Rahif al-'Aqqabi** was reportedly arrested on 14 May 2000 at his house in Saddam City, accused of involvement in the murder of the Head of the Saddam Security Directorate. He was reportedly held handcuffed and blindfolded in solitary confinement for the first 15 days of his detention, suspended from belts tied around his arms and given electric shocks to his penis and toes. He was reportedly detained without trial and further tortured until his release on 7 November 2000.

756. **Iyyad Taresh Sajet al-Sa'idi**, a former student at the Institute of Fine Arts, Baghdad, was reportedly arrested on 26 June 1999, together with his brothers, **Salem**, **Hamid** and **Fahd,** and transferred to the Security Directorate as substitute prisoners for their brother, **al-Shaikh Nasser,** who was allegedly arrested on 30 June 1999. They were reportedly suspended and subjected to electric shocks, including on their genitals, every two or three days for a three-week period. On 20 November 1999, they were reportedly released. On 13 May 2000, al-Shaikh Nasser was reportedly sentenced to death and is reportedly held on death row at al-Radhwaniya detention centre.

757. **'Abd al-Wahad al-Rifa'i** was reportedly arrested on 8 March 1999 on suspicion of being in contact with the Iraqi opposition abroad and held at the General Security Directorate before being transferred to the Baghdad Security Directorate. He was reportedly executed by hanging after two years in prison without charge. On 26 March 2001, his family reportedly collected his body from the Baghdad Security headquarters; it allegedly bore clear marks of torture, including the pulling out of toe-nails and swelling on his right eye.

758. **Su'ad Jihad Shams al-Din** (f), a medical doctor, was reportedly arrested at her clinic in Baghdad on 29 June 1999 on suspicion of having had contacts with Shi'a Islamist groups. She was allegedly detained without charge at Baghdad Security Directorate and at al-Ambar Security Directorate. Whilst in detention, she was allegedly frequently beaten during interrogation, including on the soles of the feet. She is said to have been released on 25 July 1999.

Urgent appeals

759. On 28 March 2001, the Special Rapporteur sent an urgent appeal on behalf of **Hussam Mohammad Jawad**, a retired medical doctor, and his brother-in-law, **Iyyad Jihad Shams al-Din**, a lecturer at a technological university in Baghdad, who had reportedly been arrested a few days previously. The reasons for their arrest was not known and it was believed that they were held incommunicado.

760. By letter dated 25 May 2001, the Government responded that Dr. Hussam Mohammed Jawad was Director of the Kathimia Children's Hospital in Baghdad and had retired in 1979. Aiyad Jehad Shamis-Aldine lives in Iraq and practises his profession as lecturer at the University of Technology - Baghdad.

Israel

761. By letter dated 22 June 2001, the Special Rapporteur advised the Government that he had received information on several individual cases indicating that the General Security Service (GSS) (Shin Bet) was still using interrogation methods that contradicted the Israeli High Court ruling of 6 September 1999 (see E/CN.4/2000/9, para. 675), including prolonged and painful tying to a chair with the hands of the person being interrogated tied behind the back or in front; sleep deprivation for prolonged periods of time; continuous interrogation for more than 20 hours; solitary confinement in small cells without proper ventilation or light; being held in a cell where food is served directly next to the hole or bucket used as a toilet; beatings; psychological pressure; and the denial of health care and legal assistance.

762. Since the beginning of the intifada on 29 September 2001, more than 1,000 citizens, the vast majority of them said to be Palestinians, have reportedly been arrested and a large number of them are believed to have been beaten upon arrest, to have undergone harsh and prolonged interrogation, to have been held in squalid conditions and to have been barred from the right to be represented by counsel. Of those, some 400 detainees are believed to be minors. Generally, detainees are said not to be informed that they are being represented by an attorney, and orders prohibiting them from meeting with their attorneys are reportedly issued for up to 60 days.

Israeli authorities are said to have barred hundreds of Palestinian attorneys from the West Bank and Gaza from visiting their clients in Israeli prisons, hundreds of residents of the occupied territories in detention in the State of Israel, by refusing to issue them entry permits. The legal adviser for Judea and Samaria reportedly issued a closed list of only 12 Palestinian attorneys permitted to enter Israel. Those in receipt of entry permits are said to have encountered bureaucratic obstacles in that their permits do not include car permits, making their entry into Israel virtually impossible.

763. Furthermore, the Special Rapporteur transmitted information according to which the Orders Concerning Security Provisions empower a police officer to extend the detention of detainees from the occupied territories for eight days before bringing him before a judge, as opposed to the 24 hours permitted by Israeli law for the holding of a suspect who is an Israeli resident before bringing him before a judge.

764. In particular, the Special Rapporteur transmitted information on the following individual cases.

765. **William Jehard Shuman**, a British citizen, was reportedly arrested on 5 January 2001 by the GSS. During his interrogation in detention, he was said to have been threatened, forced to bend for prolonged periods, slapped until his nose bled and deprived of sleep. He reportedly did not receive proper medical care. The Attorney-General is said to have imposed a gagging order regarding the case.

766. **Muhammad 'Issa,** a member of the Palestinian Authority police, was reportedly arrested on 28 November 2000 and held incommunicado in Shikma prison, Ashkelon. During questioning, he was reportedly tied to a chair (*shabeh*), kicked, hit on the head, in the stomach and in his testicles. He was allegedly subjected to cold and hot air for 12 hours. The treatment reportedly carried on until his first remand hearing on 4 December 2000. Before the second hearing, seven interrogators reportedly beat him again and told him to sign documents.

767. **Nasser Ayyad**, from Gaza, was reportedly arrested on 29 January 2001 between Gaza City and Deir al-Balah, transferred to Netzarim settlement, where he was beaten by Israeli interrogators, and from there to Shikma prison, Ashkelon, where he was reportedly deprived of sleep for seven days, denied access to his lawyer for a month, denied food and drink, exposed to bright lights causing burns, and beatings. The GSS interrogators reportedly threatened to kill his father, Mas'ud Ayyad, and subsequently told Mr. Ayyad that he had been killed on 13 February 2001 by an Israeli combat helicopter.

768. **Shadi Tareq Al Isawi,** from Al Isawiyeh village, was reportedly arrested on 18 October 2000 by Israeli undercover agents who entered his village. He was brought to the Russian Compound detention centre for interrogation, was allegedly hit by his interrogators on the head and chest, had hair pulled out, and was reportedly deprived of sleep for eight days. He was also said to have been kept in solitary confinement.

769. **Imad Saftawi** was reportedly arrested on 13 December 2000 and taken to Ashmoret Prison to the interrogation wing of the GSS, where he was held incommunicado for 44 days. On two occasions, during interrogation, he was reportedly deprived of sleep and chained to a chair

for 36 hours. His interrogators are said to have threatened him with interrogation for 90 days. A High Court petition for removal of the prevention order was reportedly dismissed on 22 January 2001. On 19 February, Imad Saftawi was issued with an administrative detention order for six months.

770. **Ayman Al Ajluni,** from Hebron, was reportedly arrested at his home in the area of Hebron on 20 December 2000, subsequently detained at the Al Majnuna detention centre, at Ashkelon prison for 17 days, at Al Jalami prison for seven days, followed by the Russian Compound detention centre. During interrogation by GSS officers, which is said to have lasted for five days, he was reportedly tied to a chair, subjected to sleep deprivation, threatened with death and subjected to abusive language.

771. **Yunis Al Atrash** was reportedly arrested on 8 January 2001 by special Israeli forces, who are said to have broken into and to have carried out a search in his house in Hebron. He was said to have been taken to Ashkelon prison, where, during the first five days of his detention, he was reportedly tied blindfolded to a tiny chair with his hands bound behind his back (*shabeh*), drenched in icy water and subjected to abusive language.

772. **Atta Oweisat**, a photographer for Zoom 77, was reportedly assaulted by seven undercover security agents while covering the funeral of a Palestinian in Jabel Moukaber, in Jerusalem, on 4 October 2000. They reportedly threw him to the ground, beat him, stepped on him, and tried to take his cameras forcefully. As a result, he was said to have been knocked unconscious. He subsequently lodged a complaint, and, on 11 October, was reportedly charged on several counts, including insulting the police, injuring an officer and preventing the police from arresting demonstrators. It is believed that his having filmed a group of Israeli undercover agents in Jerusalem's Shufat refugee camp had motivated the assault.

773. **Thabet A'asi,** from Beit Lakiya, was reportedly arrested at his home by six soldiers on 14 October 2000 and transferred, handcuffed and blindfolded, to the Russian Compound detention centre. There, six policemen reportedly severely kicked and beat him on the spine, on the back, on his face and right ear, and banged his head against the wall. He was reportedly interrogated by as many as 15 persons for about 12 hours a day for a week. He was held blindfolded and handcuffed in solitary confinement, and was reportedly refused access to his lawyer and to medical treatment. He reportedly sustained a loss of hearing in his right ear, as well as severe pain in his spine. On 14 May 2001, six police sergeants and one inspector were reportedly indicted for assault and aggravated assault in the Jerusalem magistrates court. The officers allegedly said that they believed that Thabet A'asi was a ringleader of a lynching of an Israeli soldier in Ramallah.

774. **Khaled Zeghari**, a cameraman working for Reuter, was reportedly beaten by Israeli soldiers and shot in the leg with a rubber-coated metal bullet at short range on 29 September 2000 when filming clashes at the Al-Aqsa mosque in Jerusalem. The attack reportedly took place only minutes after Hazem Bader, a cameraman for the Associated Press, was shot. A group of Israeli soldiers reportedly stormed the courtyard of the Islamic Museum, opened fire and subsequently approached Khaled Zegari, reportedly beating him with bats and sticks on his head and shoulders. He was reportedly taken bleeding to hospital.

775. **'Abd al-Ra'uf 'Aqayleh** was reportedly arrested in his home at about 2 a.m. on 23 October 2000 by four armed police officers and taken to Kishon detention centre where he was interrogated by the GSS for nine hours. Interrogators reportedly beat him on 26 October and banged his head against the wall, causing him to faint. He was allegedly held incommunicado until his release on 26 October.

776. **Khatib 'Ali** was reportedly on his way home to Majd al-Kroum on the bus with two other students on 23 October 2000 when the driver racially abused him, drove them to the police station in Karmiel, and reportedly told the police that he had thrown stones at the bus. The officers allegedly interrogated him, kicked and punched him and later handcuffed him to the bars of a window. He reportedly received no medical attention. The following day, a magistrate at the Acre magistrate's court is said to have recommended that he be examined by a police doctor. He was reportedly released on bail on 26 October.

777. **Qadr al-Wa'el** and five of his friends were reportedly arrested in the village of Sha'b/Galilee on 2 October, following a demonstration in the village. Qadr al-Wa'el was allegedly beaten by two police officers with rifle butts during transfer to Misgav police station, and later in the police station. As a result, he is said to have sustained bruises on his lower legs down to his ankles, and to be limping. He reportedly informed the judge at his remand hearing in court about the beatings. After being transferred to three other lock-ups, he was reportedly released on bail on 27 October.

778. **Yoav Bar, Yoram Bar Haim** and seven other people were reportedly beaten upon arrest on 2 October 2000 during a peaceful demonstration in the Wadi Nisnas neighbourhood in Haifa. The police reportedly fired rubber-coated metal bullets at the legs of the demonstrators. Yoav Bar was reportedly dragged by the legs for more than 50 metres, and beaten with batons. His left hand was allegedly broken in three places; two of his ribs and two of his front teeth were broken and his back was injured. Yoram Bar Haim reportedly approached police officers as he saw Mr. Bar being ill-treated. A police officer reportedly jumped on his back, hit him with batons and kicked him all over his body. Three detainees, including the above-named, were reportedly held in custody until midnight without medical treatment.

779. **Ahmad Fu'ad al-Shawish**, **Murad 'Azmi al-Bakri** and **'Imad al-Shalouhi** were reportedly arrested on the street near their homes by a group of about 10 armed police agents on 16 October 2000, who took them to the Western Wall. Two hours later, **Jamal Fu'ad al-Shawish** and **'Ali Fu'ad al-Shawish**, Ahmad's brothers, were reportedly arrested by a group of about 25 agents in their home. 'Imad al-Shalouhi's brother, **Samir,** was reportedly also brought to the Western Wall after being arrested. There officers reportedly punched Ahmad al-Shawish and kicked him in the face and on his legs, and physically assaulted Samir al-Shalouhi, particularly in the face and eye. The detainees were allegedly subsequently transferred to Jaffa Gate police station, interrogated and accused of stone-throwing. Ahmad and Jamal Fu'ad al-Shawish and Murad 'Azmi al-Bakri were asked to sign a statement saying that they had not been beaten, after which they were reportedly beaten again. Their detention in the Moscobiyyeh detention centre was reportedly extended by the court until 20 October 2000.

780. **Nidal Mohammed Said Dajles**, from Assira Elshamelia, was reportedly arrested on the night of 26 August 2000. During the arrest, soldiers reportedly beat him all over his body for about four hours, tied his hands, attempted to strangle him and stamped on his hands and shoulder. They allegedly stuffed stones and dirt into his mouth and poured water into his nose and mouth. The following morning, he was reportedly taken to the Petah Tikva detention centre and beaten during transfer. He was reportedly denied medical treatment. Nidal Dajles reportedly petitioned the court for an interim injunction ordering the Government to desist from applying illegal physical or mental pressure on him and to give him access to medical treatment.

781. **Talal Abu Ida**, a Palestinian Red Crescent ambulance driver, and his colleague **Naji Al Barghouthi** were reportedly restrained and brutally assaulted by Israeli soldiers in a jeep at the entrance to Surda in Ramallah district on 25 January 2001, when they went to collect a patient. They were reportedly ordered to lie on the wet ground for almost an hour, had guns pointed at their heads and were subsequently beaten, causing Talal Ida to lose consciousness. An attendant in another ambulance which had meanwhile arrived, Muhammad Al Huwari, and the driver, Muhammad Salem, were made to strip to the waist and sit in the cold for 20 minutes. All the equipment from the ambulances was allegedly confiscated. Talal Abu Ida was reportedly suffering from chest pains, spasms in his arms and legs, and was on the verge of hypothermia. He only regained consciousness at Ramallah hospital the next day. An Israeli officer allegedly told Naji Al Barghouthi to tell Talal Abu Ida to report to the Ofer military centre near Bitunia on 29 January.

782. **Rami Iz'oul** was reportedly arrested by Israeli soldiers in his home in Husan near Bethlehem on 30 October 2000. During interrogation, he was reportedly beaten. As a result, he was allegedly hospitalized for one night in Hadassa hospital in Jerusalem. After discharge, he was reportedly beaten again and threatened into signing a confession. A complaint was reportedly filed with the Department for Investigation of Police Misconduct on 3 December 2000. In mid-January 2001, the office of the Attorney-General allegedly stated that an investigation into the allegations of torture were not in the public interest.

783. Regarding the arrest and detention of minors, the Special Rapporteur transmitted to the Government information according to which Palestinian minors had reportedly been arrested in the middle of the night and taken directly from their homes to places of interrogation. Beatings with hands, rifle butts and other instruments, kicking and handcuffing detainees' hands so tightly that the blood circulation is obstructed have been reported during arrest, transportation and interrogation. Some detainees were reportedly also blindfolded. During interrogation, minors are said to have been put under psychological pressure through insults and threats, including threats of a sexual nature and threats related to their family members. Family visits and access to the telephone are said to have been restricted. In most cases the prosecutors have reportedly asked for pre-trial detention of Palestinian minors suspected of throwing stones, which is said to have been granted. In detention, minors are said not to have been kept separate from adult criminal prisoners and are said to be living in fear of attacks on their bodily integrity. Around 400 Palestinian children are believed to be held in Meggido, Telmond and Ramle (Neve Tertze). Around 100 male children, aged 16 and above, are said to be detained with adults in Meggido prison. Around 80 male children, some reportedly as young as 14, are reportedly

held in Telmond prison with adult Israeli criminal prisoners. A further 20 children are said to be held in Israeli detention centres in the West Bank and Jerusalem, and two Palestinian girls are reportedly held in Ramle prison. In Telmond prison, Palestinian children are allegedly being detained with adult Israeli criminal prisoners, three of whom reportedly attempted to rape a Palestinian juvenile pre-trial detainee. Five children are said to have had injuries inflicted with razors, several were allegedly scalded with boiling water and others were allegedly beaten by fellow inmates. The Prison Administration is believed to have failed to take appropriate action and to have ignored requests made by human rights organizations on behalf of the Palestinian children.

784. In particular, the Special Rapporteur transmitted information on the following individual cases.

785. **Hilami Shusha**, an 11-year-old boy, was allegedly beaten to death. The Jerusalem district court judge, Ruth Orr, had reportedly cleared Nahum Korman in spite of witness's accounts. The High Court of Justice overturned the decision and convicted Korman of second-degree manslaughter. After the case was returned to the district court, the State Attorney's office is said to have agreed to a plea bargain under which Korman was sentenced to 6 months' community service, a 15-month suspended prison sentence and payment of NS 70,000 damages to Hilami Shusha's family.

786. **Khaled Najib Samir Jaber**, a 12-year-old boy from Haret Saida in the Old City of Jerusalem, and his brother **Ali** were reportedly arrested in their home on 29 March 2001, handcuffed and taken to Kishla for about an hour, where they were interrogated. An interrogator reportedly slapped Khaled Najib Samir Jaber on the cheek and punched him in the stomach, asking who had thrown Molotov cocktails. Khaled Najib Samir Jaber allegedly told them that he did not know, upon which the interrogator reportedly grabbed him by the nose and squeezed it. Another interrogator reportedly slapped him several times. One of the interrogators reportedly hit the boy's head with his fist.

787. **Ayman Abu al Humus**, a 16-year-old boy from Al Issawiye, was reportedly arrested at his home on 10 December 2001 by about 20 soldiers, who reportedly beat him and took him to the Russian Compound detention centre in Jerusalem. There, an interrogator reportedly hit him with a helmet, and another reportedly threatened him with electrocution. He was told that he could only drink or receive medical treatment once he had confessed to having thrown stones. A plain clothes interrogator allegedly tied his hands and legs tightly to a chair, and kicked and beat him when he denied having thrown stones. The next morning, he reportedly signed a confession out of fear, and was taken to a prison cell. He was reportedly held until 22 January 2001 and subsequently transferred to Telmond prison. His family could reportedly only visit him two weeks after his arrest.

788. **Shadya Abed**, a 15-year-old girl from Salah-a-Din Street in Jerusalem, and her relative **Abed Jafar** were reportedly arrested in the night of 14 January 2001 in the Al Sawahri al Sharkiye neighbourhood near Jerusalem by soldiers who arrived in four military jeeps. The soldiers reportedly violently searched the house, causing her mother to suffer a

nervous breakdown and her 11-year-old sister Shuruk to be traumatized. Shadya was reportedly taken to a police detention centre in the Jewish settlement of Maale Adumin on suspicion of dealing in weapons. During interrogation, she was reportedly subjected to threats of a sexual nature, including rape.

789. **Shadi Tareq al Isawi,** from Al Isawiye near Jerusalem was reportedly arrested on 18 October 2001 by eight *mustarabeen* in his shop. Together with two 15-year-old boys from the same village, **Sultan Mahmud** and **Ahmad Khanis,** who were reportedly beaten in the car, they were transferred to the Russian Compound detention centre in Jerusalem. There, he was reportedly interrogated blindfolded, handcuffed tightly, beaten on the face and the head and denied water. Whenever he denied having thrown stones and Molotov cocktails, an interrogator plucked out his hair, and later kicked him in the stomach and chest. Later he was reportedly held incommunicado in a dirty isolation cell of about 1.5 m^2 until 25 October 2000, and deprived of sleep. His family was reportedly allowed to see him only after three weeks. He was later reportedly transferred to Al Ramle prison in Israel.

790. **Iyad Qaymeri**, aged 17, **Usama Ahmad Abu Zayneh** and two other persons from Palestinian origin were reportedly arrested on the street in Shu'fat in East Jerusalem on 1 October 2000. Iyad Qaymeri was reportedly kicked all over his body and in his face by five soldiers, and Usama Ahmad Abu Zayneh was allegedly beaten with a baton. Together with two other Palestinians, they were reportedly taken to the Moscobiyyeh detention centre, where Iyad Qaymeri and Usama Ahmad Abu Zayneh were said to have been beaten whilst being interrogated about stone-throwing for about an hour, and detained until 5 October 2000. The night before his release, about 20 police officers reportedly beat Iyad Qaymeri and about 30 other Palestinian juveniles with their batons whilst yelling insults at them.

791. **Tamir Abu Nab**, a 16-year-old boy, was reportedly arrested by masked members of Israeli security forces who broke into his family's house in Silwan on 1 November 2000. The security forces had allegedly intended to arrest him and his 16-year-old brother **Tha'ir**. The family resisted handing the boys over to the masked men, who reportedly hit their 21-year-old brother **Tarik**, breaking several of his ribs. As a consequence, he reportedly spent a month in Al Makasid hospital. Tha'ir was allegedly tortured during interrogation, and was subsequently sent to Sha'ri Tsaidik hospital. Tamir Abu Nab was reportedly sentenced to two years in Telmond prison.

792. **Ra'fat Abu Eisha**, a 14-year-old boy from Hebron, was reportedly brutally assaulted by a group of Israeli soldiers in the Israeli-controlled part of Hebron on 28 January 2001, when he was working at a market near the Abraham Avino settlement. Three Israeli soldiers reportedly dragged him to one of the arches of the old city, where they allegedly punched, kicked and beat him with their weapons for about 30 minutes, until he lost consciousness. As a result of the treatment he was subjected to, he was said to have suffered severe bruising all over his body.

793. **Mohammed Dhiab El-'Aqqad**, a 17-year-old resident of Al-Mawasi area in Khan Yunis was reportedly stopped by Israeli soldiers on 1 May 2001 on his way to his family's farm in Al-Mawasi area, and severely beaten. As a result, he is said to have sustained haematomas all over his body. He was reportedly evacuated to Nasser hospital in Khan Yunis for treatment.

794. Finally, the Special Rapporteur transmitted to the Government information according to which as a result of the policy of closure, Israeli authorities are reported to have consistently sought to prevent medical assistance from reaching injured Palestinians by turning back ambulances or private cars carrying injured persons at checkpoints. The closure of Gaza International Airport as of 8 October 2000 is said to further hinder the transportation of injured persons to hospitals outside the Palestinian territories.

795. In particular, the Special Rapporteur transmitted information on the following individual cases.

796. **Sahar Zbaidat** (f), from Marj Na'ja near Jericho, gave birth in a car on 3 October 2000 while she was on her way to Jericho hospital. Despite the fact that she was reportedly bleeding and that the umbilical cord had not yet been cut, Israeli soldiers did not let her pass through the checkpoint to get to the hospital.

797. On 13 October 2000, a tear gas canister was reportedly thrown at an ambulance being driven by **Waleed Abu Aker** in Khan Yunis, Gaza Strip. The attack is said to have caused the paramedics and the patient they were transporting to inhale an excessive amount of tear gas.

798. Finally, the Special Rapporteur transmitted information on the following individual cases.

799. **Nidal Hijazi**, from Wadi el Joz in Jerusalem, reportedly got caught up in clashes near Bab Al-Isbat gate of the Old City on 15 December 2000. After someone had reportedly given him an ax, two *mustarabeen* reportedly beat him on his head, hands and legs, and he was arrested by four members of the Israeli Border Police. A journalist taking photographs of his arrest was reportedly also beaten by the Israeli security forces. He was subsequently transferred to the Russian Compound detention centre where he was allegedly interrogated for eight days, reportedly beaten every day, had his head hit against the wall and his thumb broken. His family was only allowed to visit him after the interrogation.

800. **Ahmed Darwish**, **Feisal Darbiah** and **Issah Imar** were reportedly returning from work on 6 September 2000 when they were stopped by three guards at a roadblock between Jerusalem and Abu Dis. There they were reportedly lined up against a wall. One policeman allegedly punched Feisal Darbiah in the face, causing his head to collide with the wall, whereupon he started bleeding from his ears and mouth. He then reportedly pressed his weapon to Darbiah's stomach, threatening to kill him and his friends, and hit him between the shoulders with a rock. On 12 September 2000, indictments were reportedly submitted to Jerusalem magistrate's court against the three policemen. The policemen are said to have admitted that there had been no need to exercise violence against the Palestinians.

801. **Arawd Thamanji,** from Jenin, was reportedly arrested on 19 May 2000, severely beaten by Israeli soldiers upon arrest and pulled along the ground until he lost consciousness. He was reportedly later transferred to Al Afoula hospital and then to Megiddo prison. In prison, he is said to have been severely beaten and threatened on several occasions. He is further said to have been denied adequate medical treatment.

Urgent appeals

802. On 22 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Zaher Mohammed Kafarna,** a resident of Gaza, reportedly arrested on 2 February 2001 and allegedly currently detained incommunicado in the GSS Interrogation Unit at the Shikma detention centre in Ashkelon. The Public Committee against Torture in Israel has allegedly filed an urgent petition to the High Court of Justice on his behalf, asking that the Order prohibiting meeting with counsel be lifted.

803. On 1 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Adnan al-Hajjar**, a human rights lawyer and Coordinator of the Legal Aid Unit of the Al Mezan Centre for Human Rights in the Jabalia Refugee Camp in the Gaza Strip. He was reportedly arrested by the Israeli Defense Forces on 23 April 2001 while returning from a seminar in Egypt on strengthening the capacity of the Palestinian Legislative Council, and was detained at Ashkelon prison without charge. On 30 April, he is said to have appeared before a military court which extended his arrest for 30 more days for investigatory purposes.

804. On 3 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **Nasser Mahammed Atiye Ma'alla**, a doctor resident in the Shoafat refugee camp in Jerusalem, who had reportedly been arrested on 15 April 2001. He was believed to have since then been detained at the GSS Interrogation Unit at the Russian Compound detention centre in Jerusalem where he has allegedly been prevented from meeting with his attorney on court order. On 25 April 2001 an urgent petition was reportedly filed with the High Court of Justice on behalf of the above-named person, demanding that the Order prohibiting meeting with counsel be lifted. A hearing on this petition was expected to be held on or before 6 May 2001.

805. On 22 May 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Samer Fawzi 'Awartani** who had reportedly been arrested by the Israeli security forces at the Allenby Bridge crossing point between the West Bank and Jordan on 7 May 2001 as he returned from a medical conference in England. He was said to be currently detained incommunicado without charge in Petah Tikva detention centre. On 14 May 2001, his lawyer found out that an Israeli court had extended his detention by another two weeks without informing him or his client.

806. On 1 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **'Abed al-Rahman al-Ahmar**, a well-known Palestinian human rights activist who works as a field researcher with the Palestinian Human Rights Monitoring Group (PHRMG), a non-governmental organization working on human rights violations against Palestinians, regardless of who is responsible, in the West Bank, Gaza Strip and East Jerusalem. He had reportedly been arrested and beaten by the GSS on 24 May 2001 while he was on his way home from Jerusalem to Deheisheh refugee camp in the West Bank. He was said to be held without charge and without access to his family at the Moscobiyya detention centre in Jerusalem. On 31 May 2001, he is said to have appeared in

court without his lawyer. His physical condition was reportedly poor. He was said to suffer from a hiatal hernia and back problems, allegedly caused or worsened by the torture he was subjected to during his detention for more than two years until his release in May 1998. It is said that he sued the GSS for damages a year ago and that the case is still outstanding.

807. On 7 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **Hussein Elias Hussein Rebiye**, a resident of Beit Anan, who had reportedly been arrested on 30 May 2001 and had since been detained incommunicado in the GSS Interrogation Unit at the Russian Compound detention centre in Jerusalem. On 6 June, an urgent petition on his behalf was reportedly filed with the High Court of Justice, demanding that the Order prohibiting meeting with counsel be lifted. On 7 June 2001, the petition was said to have been rejected at a hearing at the High Court.

808. On 14 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **'Abed al-Rahman al-Ahmar**, on behalf of whom an urgent appeal had been already sent on 1 June 2001 (see above). According to further information received, he was currently subjected to torture or other forms of ill-treatment at the Moscobiyya detention centre in Jerusalem. At a hearing on 11 June, judges at the Israeli High Court of Justice reportedly refused to examine marks of shackles on his wrists. The judges rejected a petition filed by two human rights groups, the Public Committee against Torture in Israel (PCATI) and the Palestinian Human Rights Monitoring Group (PHRMG), calling for the torture during interrogation to stop, for proper medical care and clothing to be provided to him and for more humane conditions to house him. According to his lawyer, on 10 June 'Abed al-Rahman al-Ahmar was kept shackled to a sloping chair by his wrists and ankles from 9.00 a.m. to 6.15 p.m.. This form of torture, known as *shabeh*, is often combined, as in his case, with sleep deprivation. He has lost about seven kilograms in the last 10 days and is suffering severe stomach pain as a result of torture during interrogation. He is reportedly being held in a small, damp, filthy cell. The air conditioning is on all the time, increasing the cold in the small cell. There are mice and cockroaches in the cell, and three days ago a snake came in from an open sewer. 'Abed al-Rahman al-Ahmar was apparently vomiting during the court hearing.

809. On 6 July 2001, the Special Rapporteur sent another joint urgent appeal with the Special Representative on human rights defenders and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Abed Rahman Al-Ahmar** (see above). Since 30 May 2001, he has reportedly been held at the Russian Compound detention centre in Jerusalem. The administrative detention order was reportedly renewed on 18 June for 15 days. An appeal was filed, but was rejected on 22 June 2001 by the Military Court of Appeals in Beit El, West Bank. It was reported that he was now the subject of a six-month administrative detention order, which allegedly allows the Israeli authorities to detain him without charge or trial until February 2002. He was said to be detained at Megiddo prison, Israel.

810. On 19 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Tarek Sufian Abdallah Akesh** who had reportedly been arrested on 23 June 2001 and had since been held incommunicado at the GSS Shikma detention centre in Ashkelon. On 10 July 2001, an urgent petition to the High Court was filed on his behalf demanding that the Order prohibiting meeting with counsel be lifted.

811. On 24 August 2001, the Special Rapporteur sent an urgent appeal on behalf of **Muna 'Ubayd** and her brother **Akram 'Ubayd**, both Israeli citizens of Palestinian origin, who had reportedly been arrested on 10 and 12 August 2001, respectively, by the GSS. They were allegedly held incommunicado at the detention centre at Petah Tikvah. Muna 'Ubayd has apparently been beaten and deprived of sleep while held in a painful position. As a result, she reportedly had to be taken to hospital, without her family being allowed to see her. On 23 August, a judge is said to have extended their detention for a further five days, ordering that a doctor examine her. She was apparently brought before a court on 23 August. The Israeli authorities have reportedly issued gagging orders on their lawyer and family to prevent them talking to journalists or human rights organizations. It is believed that the detainees are held as hostages in connection with Israeli hostages held by the Hizbullah.

812. On 17 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Daoud al-Dir'awi**, a lawyer and human rights activist working at the Ramallah office of the Palestinian Independent Commission for Citizens' Rights, who had reportedly been arrested on 10 September 2001 at the Allenby Bridge crossing point as he returned with his wife and baby from a holiday in Jordan. He was reportedly taken to Shikma prison in Ashkelon and is being interrogated by the GSS.

813. On 26 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on violence against women, on behalf of **female Palestinian prisoners, including a child**, in the Neve Tirtza women's prison in Ramle. On 13 September 2001, the prison warders were said to have entered the cells reserved for women and to have taken **Maha Al-A'ak, Abeer Amer, Suad Ghazal, Wijdan Buji** and **Rab'a Hamael**, aged 14, to isolation, while **Amen Muna** was taken to a different section holding convicted criminals. Other women, fearful for the latter's safety, were said to have started shouting, at which point the wardens were believed to have beaten them. They were said to have tied their spread arms and legs to their beds with plastic restraints that were tight to the point of causing swelling and severe pain for one night.

814. On 3 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Palestinian child prisoners** currently held in section 8 of Telmond Prison. It was believed that the Prison Administration was attempting to move the 23 Palestinian children incarcerated in this section to Section 7, where conditions were said not to be suitable for human habitation. Section 7 was said to be holding 36 Palestinian child prisoners, incarcerated in small cells measuring 4 m^2. The stated maximum capacity of section 7 is 48 detainees. Each cell allegedly contains a bunk bed, an open toilet and a small window; the lighting and sanitary toilet facilities are said to be poor. The move would mean that some cells would hold three children in a 4 m^2 space. Furthermore, it was reported that no educational facilities are available in that section. It was believed that the prison administration is reportedly using the section transfer as a means of punishing the children for their continuing protests over detention conditions.

815. On 16 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on violence against women, on behalf of **female Palestinian prisoners** held at Neve Tirtza women's prison in Ramle, on behalf of whom the Special Rapporteurs had

already intervened on 26 September 2001 (see above). They were said to have started a hunger strike on 1 October 2001 as a protest against the alleged repressive attitude of the prison administration following a series of beatings on 13 September 2001. It was believed that during the hunger strike, the detainees were refused rations of milk and salt and were not permitted to take recreation time outside their cells. **Rab'a Hamael**, **Sanna Amer** and **Sawsan Abu Turki**, all aged 14, were held in isolation cells. Sawsan Abu Turki, who had reportedly been arrested on 6 September on charges of attempting to stab an Israeli soldier, was said to have a history of psychological problems. She was reportedly hospitalized in July 2001 for three days after having been hit on the head by an Israeli soldier. It was said that while her family supplied the medication she needs in order to treat her various medical problems, the prison administration has constantly refused to pass this medication on to her or to provide her with other medical care. Her psychological state has allegedly deteriorated to the extent that she no longer knows who she is. When the court was reportedly asked to have an impartial and culturally sensitive psychological examination conducted to assess her fitness to stand trial, it is alleged that an Israeli psychologist visited her for approximately five minutes, filled in a questionnaire and declared her to be psychologically fit.

Italy

816. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels la police aurait fait un usage excessif de la force durant les manifestations qui se seraient déroulées à Gênes, à l'occasion du Sommet des nations du G8, du 20 au 23 juillet 2001.

817. Le Gouvernement a répondu à ces allégations par une lettre datée du 31 octobre 2001 dans laquelle il a rappelé son engagement à respecter les droits de l'homme et que la mobilisation exceptionnelle des milieux antiglobalisation avait créé, à Gênes, des problèmes de contrôle de l'ordre public et de sécurité plus accentués que ceux enregistrés dans les sommets précédents. Le Gouvernement a indiqué que les résultats des enquêtes en cours de la part de la magistrature, de l'exécutif et du Parlement pour faire la lumière sur les événements en question, y compris les épisodes cités ci-dessous, seront communiqués au Rapporteur spécial dès que disponibles. Le Gouvernement a assuré le Rapporteur spécial qu'au cas où la magistrature devait reconnaître des comportements illicites, elle n'hésiterait pas, en appliquant les lois, à les sanctionner avec la sévérité qui s'impose.

818. Selon les informations transmises par le Rapporteur spécial au Gouvernement, plus de 200 000 manifestants en provenance de diverses régions du monde se seraient réunis à Gênes pour participer à des mouvements de protestation pacifiques et à des débats sur la globalisation. Cependant, des factions violentes se seraient confrontées avec la police et auraient causé des dommages humains et matériels considérables. D'après les informations reçues, la police aurait agressé un grand nombre de personnes dans les rues, y compris des manifestants non violents et des journalistes couvrant les événements, en leur infligeant des coups de poing, de pied et de bâton. Dans la matinée du 22 juillet, la police serait entrée dans des espaces légalement occupés par le Forum social de Gênes (Genoa Social Forum), entité de coordination de la plupart des organisations antiglobalisation. Durant ce raid, la police aurait passé à tabac les

occupants du bâtiment. De nombreuses personnes auraient été blessées. Certaines auraient nécessité une hospitalisation immédiate, voire même des opérations chirurgicales. Une vingtaine de personnes auraient été évacuées des locaux en brancard, et deux auraient perdu connaissance. Parmi les manifestants détenus lors des protestations, une grande partie aurait été l'objet de mauvais traitements. Ils auraient reçu des gifles et des coups de pied et de poing et on leur aurait craché dessus. Les personnes détenues auraient été privées de nourriture, d'eau et de sommeil durant de longues périodes. Elles auraient été forcées de s'aligner face contre un mur, jambes et bras ouverts, et de rester dans cette position pendant de longues heures sous menace d'être battues au moindre mouvement. Certaines d'entre elles auraient été menacées de mort et, dans le cas de certaines femmes, de viol. Les détenus n'auraient pas eu accès à leur avocat ou, pour les étrangers, à leurs représentants consulaires, ni à des soins médicaux. De plus, ils n'auraient pas été informés sur leurs droits en tant que détenus, et leurs parents et amis n'auraient pas été informés de leur détention.

819. En particulier, le Rapporteur spécial a transmis des renseignements concernant les cas individuels suivants.

820. **Francho Chabier Nogueras Corral**, activiste du Movimiento de Resistencia Global de Zaragoza (Mouvement de résistance globale de Zaragoza, Espagne), et d'autres membres du mouvement, dont **Aitor Balbas, Francisco Javier Sanz, Dolores Herrero, Guillermina Zapatero** et **Antonio Lanaspa Claver**, ainsi que des manifestants venus d'horizons différents, auraient été violemment arrêtés par la police durant la nuit du 21 au 22 juillet 2001, alors qu'ils étaient réunis à l'école Diaz de Gênes et qu'ils n'auraient pas opposé de résistance. Une heure après le passage à tabac, Francho Chabier Nogueras Corral aurait été emmené à un hôpital de la ville où, toujours sous surveillance policière, on lui aurait diagnostiqué une fracture du péroné gauche, des contusions multiples et des hématomes sur différentes parties du corps. Au matin suivant, il aurait été transféré à Bolzaneto avec d'autres détenus. À son arrivée au centre de détention de Bolzaneto, Francho Chabier Nogueras Corral aurait été obligé de se tenir face contre un mur, les bras et jambes ouverts. Il aurait ensuite été transféré dans une cellule qui n'avait pas de lumière électrique et qui avait de grandes fenêtres sans vitres par où passait le froid. Il serait resté à Bolzaneto jusqu'au 23 juillet et durant tout le temps de sa détention, il n'aurait eu accès ni à un avocat, ni à des soins médicaux, ni à un interprète. Il n'aurait pas non plus eu droit à un matelas, ni à des couvertures ou habits pour se protéger du froid. Les détenus auraient été maigrement nourris et auraient été privés d'eau. Ils auraient été obligés, à plusieurs reprises, de se tenir les mains en l'air pendant de longues périodes qui pouvaient atteindre plus d'une heure, au milieu d'insultes et de menaces, entre autres des menaces de mort. Il n'aurait à aucun moment été tenu compte du fait que certains d'entre eux étaient blessés. S'ils n'obéissaient pas, ils recevaient systématiquement des coups de poing ou des coups de pied. Du 23 au 25 juillet 2001, il aurait été détenu dans la prison de Pavia où il aurait été maintenu au secret. Suite à plusieurs requêtes, le 24 juillet, il aurait reçu un anti-inflammatoire par prise orale, un peu de pommade et quelques glaçons. Pendant les trois jours à la prison de Pavia, il n'aurait pas eu droit de sortir de sa cellule. Il n'aurait reçu de l'aide juridique que le 25 juillet, lors de sa comparution devant un juge. Le 26 juillet 2001, il aurait été déposé à l'aéroport de Milan.

821. **Adolfo Sesma**, de nationalité espagnole, aurait été arrêté le 20 juillet 2001 à la Place Manin de Gênes, où s'étaient retrouvées la "marche rouge" et la "marche blanche", deux manifestations pacifiques du mouvement antiglobalisation. Il aurait été menotté avec du scotch en plastique qui ne lui aurait été enlevé que 10 heures plus tard, et qui lui aurait provoqué des blessures aux poignets. Il aurait été maintenu pendant quatre heures dans une position particulièrement inconfortable, entre autres, due au grand nombre de manifestants détenus avec lui dans une camionnette de police. Il aurait par la suite été transféré à un poste de police se trouvant près de la Piazza della Victoria, où on lui aurait à nouveau craché dessus et où on l'aurait insulté. Deux heures plus tard, il aurait été transféré au centre de détention de Bolzaneto, où il aurait passé les deux premières heures debout face à un mur et la tête baissée. Au centre de détention, il aurait été frappé à plusieurs reprises et sa tête aurait été cognée contre un mur. Il aurait aussi reçu des coups de pied, et aurait été obligé d'uriner en présence de plusieurs agents de police. À l'infirmerie, des agents de police l'auraient passé à tabac. Le lendemain matin, il aurait été placé dans un fourgon de police avec d'autres détenus où, malgré le froid, les agents de police auraient mis l'air conditionné. Ils auraient été détenus ainsi pendant quelques heures. Dans le nouveau centre de détention, il aurait été encore une fois soumis à un passage à tabac. Il aurait été remis en liberté le 23 juillet 2001, sur ordre d'un juge.

822. Le Rapporteur spécial a également transmis au Gouvernement des renseignements concernant les conditions de détention, en particulier les problèmes de surpopulation dans les prisons, qui dans certains cas, auraient conduit à des révoltes. Le 3 avril 2000, les détenus de la prison de Sassari, en Sardaigne, auraient protesté contre la surpopulation et certains abus commis par les gardes dans ce centre pénitentiaire. Suite à ces protestations, une trentaine de détenus auraient été punis en présence du directeur du centre. Les détenus auraient été forcés de marcher entre deux rangées de gardiens et violemment battus par ceux-ci. Le 23 mai 2000, sur ordre judiciaire, une enquête sur cet incident aurait été ouverte et, le 3 mai, les gardiens présumés responsables auraient été arrêtés. Le jour suivant, une centaine d'autres gardiens auraient été interrogés pour avoir donné des témoignages contradictoires. Le Rapporteur spécial apprécierait de recevoir des informations sur les résultats de l'enquête et les éventuelles suites pénales.

Jamaica

823. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

824. **Three hundred inmates of Saint Catherine's district prison**, Spanish Town, were reportedly severely beaten and at least two of them were allegedly shot in May 2000. According to the information received, soldiers and prison wardens reportedly beat them with batons, rifles, baseball bats, irons and electric wires. As a result, inmates are said to have suffered fractured hands, ribs, feet and skulls and to have had teeth knocked out, and were initially said to have been denied medical attention. Tension between prisoners and soldiers is reported to have increased after 11 March 2000, when some 1,100 prisoners at St Catherine's district prison and Kingston general penitentiary allegedly suffered acute diarrhoea allegedly caused by the food served in both prisons.

825. **Residents of Saint Ann** and **Shahine Robinson**, a local member of Parliament, are reported to have been subjected to police brutality following the forced removal of squatters from government land on 26 June 2001. Stone throwing was believed to have started after firefighters reportedly attempted to extinguish a fire started by the protesters. The police, many of whom are said not to have worn identification badges, allegedly charged into the crowd and indiscriminately beat demonstrators with batons, shot live rounds into the air, and indiscriminately fired tear gas, including into homes near the squatter camp. A nine-day-old baby girl was transferred to hospital after the police allegedly fired tear gas into her home and she was hit by stone, allegedly thrown by a policeman.

826. **Michael Gayle**, a mentally disabled young man, on behalf of whom the Special Rapporteur on extrajudicial, summary or arbitrary executions had intervened on 11 May 2000, was reportedly beaten to death by at least 14 members of the security forces on 21 August 1999 at a roadblock in Kingston. He was reportedly kicked in the back and hit with batons and gun butts after he was allegedly refused permission to cross the security barrier, and subsequently died after the beating. An inquest jury in December 1999 allegedly returned a verdict of manslaughter, and recommended that all army and police personnel manning the roadblock that night be charged. On 14 March 2000, the Director of Public Prosecutions (DDP) reportedly announced that he did not intend to file charges against any of the security officers present on the grounds that he was unable to identify those individuals who had caused the death. The investigation was subsequently reopened on request from the Minister for National Security and Justice; however no one is believed to have been charged or disciplined.

827. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 1998 regarding which no reply had been received.

828. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

829. **Sixteen prisoners** were reportedly killed and **40** injured in attacks on homosexuals at St. Catherine's district prison and Kingston general penitentiary in August 1997, which allegedly started after the Commissioner of Corrections announced his intention to distribute condoms to guards and prisoners in an effort to control the spread of HIV/AIDS. Guards reportedly walked out in protest at the insinuation that they were having sexual relations with inmates. In the absence of supervision, inmates reportedly went on the rampage, targeting prisoners known or believed to be homosexual. No action is known to have been taken against those responsible for the violence.

Urgent appeals

830. On 19 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Neville Lynch** (aged 6), **Lenworth Henry**, **Orane Bailey**, **Delroy Kennedy**, **Prince Breckett**, **Sean Damian Stone**, **Wayne Punancy**, **Roland Walker**, **Trevor Abel**, **Kirk Headley**, **Patrick Williams**, **David Spence**, **Rohan Lynch**, **Dervin Nappier**, **Anthony Archer**,

Chris Boodie, **Dwayne Walker**, **Alphonso Kennedy** and **Davian Williams**, all aged between 16 and 22, who had reportedly been detained without charge since they were arrested from their homes in Board Villa, Denham Town, Kingston, between 7 and 8 July 2001 by members of the Crime Management Unit (CMU). Some of the men had reportedly since been denied access to lawyers and/or their families. It is believed that they have all been ill-treated, in particular at the time of their arrest when they were allegedly beaten, kicked, slapped in the face and stomped on. They were understood to have been arrested along with an estimated 200 others, who have reportedly since been released. Police are reported to have brought the detainees, who live in an area dominated by the opposition Jamaica Labour Party (JLP), to Hannah Town (Kingston), an area dominated by the ruling People's National Party (PNP), where they were beaten. Neville Lynch was reportedly beaten in custody.

831. By letter dated 12 October 2001, the Government responded that a Commission of Inquiry had been set up composed of a former judge of the Federal Court of Canada, Justice Julius Alexander Isaac, sociologist Dr. Hyacinthe Ellis and the Reverend Garnet Brown. It began its hearings on 4 September. The Government attached the terms of reference of the Commission and expressed its intention to inform the Special Rapporteur of the outcome of the inquiry. The Commission is charged, inter alia, with inquiring into the conduct of the security forces in carrying out law enforcement functions in the affected communities. As regards the status of those persons who were detained, they were all released within 48 hours.

Jordan

Urgent appeals

832. On 31 January 2001, the Special Rapporteur sent an urgent appeal on behalf of seven members of the Anti-Normalization Committee of the Union of Professional Associations who were reportedly arrested on 27 January 2001: **Ali Abu Sukar**, **Muhammad Abu Jbara**, **Ahmad Armouti**, **Abdul Rahim Barakat**, **Issam Abu Farha**, **Subhi abu Zaghlan** and **Ghassan Doughar**. They were reportedly arrested at their respective homes by some 50 security troops wearing black masks, bulletproof vests and helmets. It is believed that the arrests are connected to the recent publication by the Committee of a second list of Jordanian and Palestinian "normalizers" which is reported to include the names of some top government officials.

833. On 18 April 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the human rights of migrants on behalf of **'Abd al-Ridha Jazi' al-Ibrahimi**, an Iraqi man living in Jordan since 1983 who is facing forcible return to Iraq, where he is believed to be at risk of torture and execution. He was reportedly arrested on 2 April 2001 and he has allegedly been held at the Immigration and Borders Department in Amman. He is said to have deserted from the Iraqi army in 1983 during the war with Iran. The offence is said to be punishable by death in Iraq. His family was reportedly told that his extradition was scheduled for 14 April 2001.

834. On 27 July 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Badr Ramadan Sah'th** who had reportedly been summoned to the Jebel al-Hussein police station in Amman on 3 June 2000 before being taken to the Criminal Investigation Department where he was allegedly held incommunicado in solitary confinement and forced to sign a statement confessing to the murder of two persons in 1999. He was allegedly beaten while handcuffed, hung in a painful position and forced to stand for more than three consecutive days. He is said to have testified that he had been tortured while in custody during his trial and a doctor is believed to have produced a medical certificate to that effect. He was nevertheless sentenced to death in May 2001. He was said to be held at Swaqa prison and an appeal to the Court of Cassation was reportedly filed on 13 June.

Kenya

835. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

836. **Adam Dabaso** reportedly died on 21 February 2000 as a result of injuries sustained during a police raid on Gambella village, near Isiolo town, on 12 February by a combined force of regular police, the General Service Unit and the military, who indiscriminately beat villagers. No post-mortem was allegedly carried out. As a result, **Abdi Wariom**, **Dbaso Roba**, **Paul Lenges**, **Sokot Guyo**, **Asili Adam** and **Adam Godo** reportedly suffered injuries, including dislocated limbs and burns. No investigation has reportedly been carried out.

837. By the same letter, the Special Rapporteur advised the Government that he had received further information on cases previously transmitted.

838. **Ali Hussein Ali**, on behalf of whom the Special Rapporteur on torture sent a communication on 5 November 1998 (see E/CN.4/1999/61, para. 426), reportedly died from injuries sustained at Wajir police station, North Eastern Province, on 8 March 1997. A post-mortem certified bleeding in the brain and thoracic cavity due to external trauma. On 24 March 1997 three policemen and an army officer were reportedly charged with his murder but were acquitted in October 1997. The prosecution appealed. Two of the accused having subsequently died, the new trial of the two remaining defendants was reportedly heard in July 2001.

839. **Yusuf Anitwani Maina**, aged 73, was reportedly beaten by police officers on 22 February 1999 at Mandizini estate in Bungoma, western Kenya, during a police raid (see E/CN.4/2000/9/Add.4, annex, para. 70). As the crowd attempted to flee from the police, Yusuf Anitwani Maina reportedly fell to the ground and was beaten on his head by two police officers from Bungoma police station. He was subsequently denied the appropriate form to lodge a complaint. On 14 May 1999, he reportedly fell into a coma as a result of the head injuries and subsequently died. His family reportedly initiated civil proceedings on 8 June 2000 at Bungoma High Court, and the case has been heard three times. For each hearing the magistrate has allegedly been unavailable and the police officers involved have reportedly not been questioned.

840. **Issac Mwaniki Gitari**, whose case is included in the report of the visit of the Special Rapporteur to Kenya (ibid., para. 72), reportedly died on 8 April 1999 as a result of torture at the hands of the police at Eldoret police station. An investigation by the Attorney-General's Office was carried out in April 2000, during which a magistrate is said to have concluded that two policemen were responsible for his death, that there had been a cover-up of the incident at the police station and that the police witnesses had lied in court. The two police officers were allegedly subsequently arrested and charged with manslaughter. The next hearing was reportedly scheduled for 10 July 2001.

841. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information concerning **Sophia Dolar**, **Pauline Wanjiru** and **Ester Wairimu** who were reportedly arrested in March 2000 with eight other human rights activists, held for five days in Nakuru prison, Rift Valley Province. Upon arrival, the women were reportedly forced to strip naked in full view of other prisoners and jeering prison guards, and beaten with sticks during interrogation. They were allegedly held in a large overcrowded cell holding 39 women, many of whom were ill. When they refused to eat uncooked food, they were reportedly beaten with canes and forced to eat the food. No official investigation is said to have been carried out.

Urgent appeals

842. On 25 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **71 members and supporters of Release Political Prisoners (RPP)**, including **Kivutha Kibwana**, **Mungai Kibe**, **Ng'ang'a Waweru**, **George Mutua**, **Kiilu**, **Stephen Musau**, **Peter Wambua**, **Johnstone Nyamu**, **Mercy Nyambura Kariuki**, **Peter Mutemi**, **Benson Mutiso**, **Aloise Muia**, **Mbara Kambara Kariuki**, **Kibuku kihura**, **Mukia Kamau**, **Githii Mweru**, **Daniel Muoti**, **Njoroge Wanguthi**, **Rahab Wairuri**, **Julius Mwaura**, **Kimani Waweru**, **Francis Njenga**, **Martin Mukeku**, **Francis Mutuku**, **Charles Nthanga**, **Gitau Wanguthi**, **Waweru Kariuki**, **Thungu Wakaba**, **Peter Nguma**, **Kennedy Kimeu**, **Julius Kariuki**, **Gathoni Kamau**, **Samuel Gikundi**, **Waruiru Mungai**, **Solomon Waithaka**, **George Ngige**, **Haron Keli**, **Joseph Muoki**, **Gathoga Njoroge**, **Munyae Mulinge Kioko**, **Theophilas Kiilu**, **Simon Mburu**, **Elijah Ochieng Solomon**, **William Mbuvi**, **Eric Mulevu**, **Silvanus Kikihu**, **Karori Njunge**, **George Mungi**, **Moses Mbugua**, **Kimani Ndegwa**, **Benjamin Muhesuni**, **Moses Karori**, **Kamonje Manje**, **Owino Amina**, **Nyongessa Omboko**, **Gitau Kung'u**, **Tony Ndolo**, **Orina Nyamwamu**, **Peter Maina**, **Joseph Bonzo**, **Tirop Kitur**, **Odhiambo Oyoko**, **Mwendwa Kibwana**, **Njoki Kamau**, **Henry Maiyo**, **Stephen Waweru**, **Nyamberi Bosire**, **Munga Gathogo**, **Mwangi Kimbathi**, **Wambua Kituku**, **Daniel Mathias Kingoo**, and **Boaz Waruku**. It was reported that they had been arrested during a peaceful celebration on the RPP premises in Nairobi to mark Mau Mau Day (officially called Kenyatta Day), which commemorates the 1952 uprising against British rule, on 20 October 2001. Police allegedly used excessive force to break up the gathering, throwing tear gas canisters into the crowd in the RPP compound, where several children were present. They reportedly beat some of the adults; the 70 men were reportedly remanded to Kamiti maximum prison, the woman to Langata prison. All 71 were brought before the Chief Magistrate at the High Court on 22 October 2001 to answer

charges of "unlawful assembly". The case was to have resumed at the High Court on 23 October but was rescheduled for 4 to 7 December. Only five of the detainees, **Prof. K. Kibwana** (the National Convention Executive Council Co-Convenor), **Mr. Mungai** (lawyer), **Mr. Wanguti** (RPP Chairman), **Mr. Nyamwamu** (RPP Secretary-General) and **Mr. Kitur** (RPP founding member), were reportedly able to gather the sum required to post bail.

Follow-up to the May 2001 fact-finding mission

843. At the fifty-seventh session of the Commission on Human Rights, on 4 April 2001, the Permanent Representative of Kenya to the United Nations Office at Geneva outlined measures taken by the Government in response to the 1999 fact-finding mission report of the Special Rapporteur (E/CN.4/2000/9/Add.4). He said that the bill for the establishment of an independent human rights commission which would be able to investigate human rights violations and would publish annual reports had been published in the Official Gazette. In the meantime, the Standing Committee on Human Rights had been granted unhindered access to prisons, police holding cells and all other places of detention without notice, and had been enabled to publicize its findings. The Criminal Law Amendment Bill (2000) was pending before Parliament; it sought to repeal a provision in the Criminal Procedure Code which allowed the admission in evidence of confessions made before the police. The bill stipulated that only confessions made before a court are admissible, and furthermore proposed to abolish corporal punishment as a penal sanction. The Government was in the process of reviewing training programmes for law enforcement officials with a view to incorporating the principles contained in the United Nations Code of Conduct for Law Enforcement Officials. The Attorney-General was in consultation with the police with a view to establishing an independent mechanism to investigate complaints against the police. The implementation of non-custodial sentences under the Community Service Orders Act 1998 had been instrumental in addressing the question of overcrowding, and ensured that petty offenders no longer had to serve jail terms. More than 12,000 people had served non-custodial sentences, which were more humane for the offenders and their dependants as it allowed families to stay together and which had benefited the public through community service projects, such as road maintenance, water projects, maintenance of schools and hospitals, and services to orphanages and foster homes. With regard to the issues concerning juveniles raised in the report of the Special Rapporteur, the Children's Bill 2000 had been drawn up which, once passed, would require courts to consider the best interests of the child and would prohibit imprisonment, the imposition of the death sentence, placement in a detention camp or subjection to corporal punishment. No child below the age of 10 could be sent to a government rehabilitation school. As regards legal aid, the Office of the Attorney-General had been consulting with the Law Society of Kenya on the establishment of a sustainable legal aid scheme. A pilot scheme had been set up with the aim of allowing those in custody who do not have the means to secure legal assistance to do so. Finally, the Government indicated that the constitutional review process would result in a new constitution which would greatly enhance the promotion and protection of all fundamental rights and freedoms in Kenya.

Kyrgyzstan

844. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

845. **Oleg Yusupov** was reportedly arrested on 16 February 1998 in Chaldor village, Panfilov region, Chui province, and taken to Panfilovski District Police Department (ROVD), where he is believed to have been beaten and kicked, resulting in a concussion and numerous bruises. He was reportedly released on 10 December 1998, but was sentenced on 20 December 1999 by the regional court of Jayul to six years of imprisonment in a strict regime colony. A criminal case against the police officers allegedly responsible was instigated, but reportedly closed.

846. **A. Molodyh**, a minor, and his mother were reportedly abducted on 29 April 1998 and taken to City Police Department No. 12. A. Molodykh was reportedly beaten by police officers during interrogation and forced to sign a pre-prepared confession. Two other minors, **A. Zhuravlev** and **S. Vasielev**, were allegedly arrested at the same time and subjected to the same treatment at the station. The case was reportedly sent to the Pervomai district court, which is thought to have deferred it for additional investigation.

847. **Prudnikov** was reportedly arrested by two sergeant majors of the police on 6 February 1998 in Asanbai, searched and subsequently beaten in order to extract money from him.

848. **Vitaly Iede**, aged 10, and his sister, Olga Iede, aged 9, were reportedly taken from their home by police on 17 July 1998, and interrogated at Ak-Suiski ROVD. Vitaly Iede was allegedly taken to a river, beaten and held under the water twice. The next day, the boy was taken again to the same police station where he was allegedly forced to confess having stolen US$ 500 from his neighbour and to have given them to his mother. As a result, his mother, Nataliya Grigorievna Iede, was reportedly detained.

849. **Davletaliev** was reportedly taken to the Bishkek department of the Ministry of the Interior (UVD) on 30 July 1998, where he was allegedly repeatedly beaten in order to extract a confession, which was eventually dictated to him by officers of the criminal investigation department of Bishkek UVD. He was reportedly transferred from the SIZO (investigation isolator) of the Ministry of National Security to the IVS (pre-trial detention isolator) of Bishkek UVD in February 1999. He was allegedly sentenced to nine years' imprisonment by the military court of Bishkek garrison.

850. **Turan Altymyshbaev** was reportedly arrested on 29 October 1998 in Asanbai by officials of the Criminal Investigation Department of the Ministry of Interior (UUR UVD), beaten and forced to make a statement. On the following day, he was allegedly held under a different name in the receiving/distributing department of the UVD, where he was reportedly beaten again. He was allegedly denied access to a medical examination and to a lawyer and was not informed of the charges against him.

851. **Madatov Melis** was reportedly beaten by an officer of the Ak-Suu police department on 20 November 1998, when he allegedly failed to make a statement. He is believed to have been beaten on his head and on various other parts of his body and to have been threatened with death.

852. **Badykov Kasym** was reportedly beaten by an officer of Oktyabrski ROVD, Bishkek, on 27 December 1998, who was believed to have been drunk.

853. **Kadyrbek Uulu** and **M. Tashbaev** were reportedly arrested by police officers of Pervomai ROVD on 7 December 1998, kept for 1½ days in the ROVD and beaten.

854. **Kanybek Kuvanychbekovich Abdyldaev**, aged 8, and **Dilshat Muhamedsopiev**, aged 7, were reportedly arrested by police officers of Sverdloski ROVD, Bishkek, on 22 December 1998 while playing in the street and taken to the ROVD, where their heads were hit against a wall. No officer has reportedly been punished.

855. **Cholponkulov** was reportedly arrested by police officers of Sverdlovski ROVD on 21 December 1998 for hooliganism and taken to Sverdlovski ROVD, where he is believed to have been beaten and to have had his money taken by police officers.

856. **A. Yakubov**, a citizen of Tajikistan, was reportedly arrested in Osh city on 26 January 1999 by officers of the UVD, who allegedly beat him.

857. **Larisa Saifulina** was reportedly taken to Jalal-Abad Municipal Department of Internal Affairs on 23 January 1999 in order to testify as a witness, beaten by police officers, undressed and threatened with rape.

858. **M. Matvienko** was reportedly arrested by police officers in Bishkek on 4 February 1999 and taken to an IVS. On the fifth day, he was allegedly taken to the investigator's office where he was beaten repeatedly after having been handcuffed. His request to be examined by a doctor was reportedly denied during the first two weeks of his detention. Later a doctor indicated that M. Matvienko should be operated on immediately; however, he was not transferred to a hospital until the following day.

859. **Lidiya Samoshkina** was reportedly arrested on 14 May 1999 on suspicion of being an accomplice to a murder and taken to Issyk-Ata ROVD, where she is alleged to have been beaten with clubs and forced to write a confession.

860. **Boiko Larisa Nikolaevna** was reportedly arrested on 7 May 1999 accused of having murdered the father of her child. Police officers allegedly took her to identify the body at the morgue, where she was allegedly kept for three days and beaten on her head, forced to drink vodka and threatened with being handcuffed to a dead body until she confessed to the murder.

861. **Z. Sataev**, a prisoner, was reportedly transferred on 12 October 1999 from Jalal-Abad correctional-labour colony (ITK) No.10 to ITK No. 1 in Moldovanovka village. On 6 November 1999, he was called to the office of the head of the strategic regime unit who reportedly beat and kicked him, shaved the letter "C" on his head, and made another prisoner rape him. Although the chief of the colony allegedly promised that the responsible officer would be punished, the latter received a promotion and became the head of the strategic-regime unit in another penal institution, despite the fact that criminal cases were initiated against him. Z. Sataev was reportedly transferred to another colony.

862. **Ismanov Jyldlyz** was reportedly beaten by officers of Jalal-Abad ROVD on 15 October 1999, resulting in scars on his face, broken ribs and teeth, and bruises on his whole body and right ear. He was subsequently transferred to hospital for treatment.

863. **Sharipov** was reportedly beaten on 12 February 2000 by three drunk officers of the Sokuluk ROVD, subsequently taken to the basement and kept in an isolation cell, where he is believed to have been beaten again. He was later asked for money and kicked by officers in the investigator's office. As a result, he reportedly sustained three broken ribs and had blood in his lungs. A criminal case was allegedly opened against the officers allegedly responsible.

864. **A number of members of the agricultural cooperative "Mustakil"**, including several women, were allegedly beaten by police officers on 1 April 2000 in Nooken, Jalal-Abad region. Some of the peasants, among them Kanijan Omarov and Nabijan Umarov, were reportedly arrested. When on the following day, the men's daughters came to see their fathers, they were reportedly arrested. **M. Omarova** was allegedly beaten in the stomach and lost consciousness and **Markhabo Saifutdinova** was made to stand in a corner of the reception room of the ROVD with her hands tied. **Another of Mr. Umarov's daughters**, who was pregnant, was reportedly pushed against a bench, resulting in a miscarriage.

865. **Surina**, **Yacob** and **Ilushina** were reportedly arrested, beaten and raped by police officers from Lenin ROVD on 25 and 26 April 2000. They were allegedly arrested after failing to provide identity documents, and kept in office No. 26 of Lenin ROVD, where they are believed to have been raped by police officers, including two lieutenants and an official from the State Foundation of Economic Development at the Ministry of Finance. The city prosecutor reportedly opened a criminal case and two of the alleged rapists were subsequently detained.

866. **Aleksander Gorbashov**, detained at Lenin ROVD, reportedly jumped out of a second-floor window on 23 May 2000, allegedly in fear of further torture, and broke his heel bones. A gas mask had been placed over his head and the air supply blocked to extract a confession.

867. **Ilias Esevov** was reportedly arrested by police officers, including a sergeant-major and a sergeant, on 20 June 2000, near the bazaar "Ala-Archa", and taken to police headquarters where he was allegedly punched, kicked and beaten until he lost consciousness. As a result, he reportedly suffered a cranial-cerebral injury, a fractured jaw and a concussion. He was reportedly kept in an IVS and released after the Office of the Public Prosecutor reportedly dismissed the case for lack of evidence. The Office of the Public Prosecutor reportedly initiated an investigation against the police officers for abuse of authority.

868. **Vitaliy Samburskiy** was reportedly arrested by UVD officials on 20 May 2000, taken to the office of the deputy chief of the 2nd Department of the UUR UVD and forced to confess to a crime, after having been stripped naked and beaten for six hours by police officers, in particular on the face and head. He allegedly suffered a concussion and two broken ribs.

869. **Taalai Turumbekov**, an envoy of presidential candidate Dooronbek Sadyrbaev, was reportedly subjected to severe beatings by the head of the village administration of Jangy-Aryk, on 18 August 2000, while attempting to collect signatures. Villagers who had witnessed the incident were threatened that their lands would be confiscated if they voted for Mr. Sadyrbaev. Mr. Turumbekov was eventually transferred to hospital, but medical attention was refused as a medical certificate can only be given on the orders of law enforcement officials. Mr. Turumbekov reportedly suffered from severe headaches and pain in his eyes and all over his body. When examined at the Republican Eye Clinic in Bishkek, he was immediately hospitalized.

870. **Mirmominov Zahidjan**, an invalid, was reportedly beaten by the sergeant-major of the Bazar-Kurgan ROVD on 13 September 2000 because he refused to drink vodka with him. He was subsequently transferred to hospital for treatment.

871. **Israilov Toktommat** was reportedly beaten up by drunk police officers on 31 September 2000 at Nookenskiy ROVD.

872. **Semen Sobol**, a minor, was reportedly beaten by an officer of the Oktyabrskiy ROVD on 8 November 2000 and subsequently taken to the ROVD, where he was allegedly kept in an isolation cell.

873. **Nicolai Merzaninov** and **Sergey Olhovski** were reportedly arrested by five officials of the Sverdlovski ROVD on 27 December 2000 and taken to the Oktyabrski City Police Department, where they were allegedly beaten. They reportedly sustained concussions, kidney lesions and abrasions.

874. **E. Ejov** was reportedly brought from Kazakhstan on 14 December 2000 by officials of Alamedinskiy ROVD and beaten to force a confession.

875. **Soltumuratov Rasul** was reportedly beaten by police officers at a police station in Novo-Pavlovka on 3 January 2001, resulting in a concussion.

876. **Dalbaev Ozgon**, aged 16, was reportedly beaten on 3 January 2001 at a police station in Sokulukski region, where he was reportedly detained for three days on suspicion of cattle stealing. As a result, he reportedly sustained a concussion and became neurotic.

877. **Sayanko Peter Nikolaevich** was reportedly arrested and beaten by police officers on 25 January 2001 at Kant market, sustaining a concussion and injuries to the left knee.

878. **Askerov Doolot** was reportedly beaten by police officers on 30 January 2001 in a Bishkek market, as a result of which he suffered a concussion.

879. **Bekedganov Baurdgan** was reportedly beaten by police officers on 2 February 2001 in Georgievka village, resulting in kidney lesions and haematuria.

880. **Kylycheva Aziza** (f) was reportedly beaten and raped by police officers on 5 February 2001 in Bishkek, as a result of which she sustained a concussion.

881. **Saykov Emil** was reportedly beaten by five police officers on 6 March 2001 at Dordoii market in Sokulukski region, resulting in a concussion.

882. **Mamytov Damir** was reportedly stopped by police officers for an identity check in Kant on 13 March 2001, beaten and humiliated. As a result, he is said to have become neurotic and depressed.

883. **Ismailov Artem** was reportedly beaten by police officers on 14 March 2001 in Bishkek, as a result of which he is believed to have sustained a concussion.

884. **Ibraev Arsion**, a 16-year-old schoolboy, was reportedly beaten by police officers on 22 March 2001 at the "Nooruz" feast in the central square of Bishkek, resulting in a concussion and other injuries.

885. By the same letter, the Special Rapporteur reminded the Government of a number of cases transmitted in 2000 regarding which no reply had been received.

886. By letter dated 30 August 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual case.

887. **Almaz Dyryldaev** and **Gulhan Borubaeva** (f), members of the Kyrgyz Committee for Human Rights (KCHR), were reportedly subjected to ill-treatment by police officers on 20 July 2000. About 20 police officers allegedly surrounded the KCHR office on Ivanitsin Street in Bishkek, detained Almaz Dryryldaev by order of an investigator of Pervomai ROVD, and beat him during interrogation at the ROVD. Gulhan Borubaeva was reportedly held in the office of the KCHR without food for four days until the office was unsealed.

888. By letter dated 31 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

889. **Saidulaev Abduhalil** was reportedly arrested at the end of August 2000 and held incommunicado in the IVS for not having paid his alimony. He allegedly died in his cell on 9 September 2000. Signs of torture were reportedly found on his body.

890. **Osmonov Jumabay** was reportedly arrested by two police officers on 8 September 2000 in Bazar-Kurgan town and taken to the ROVD. On the following day, his relatives were reportedly informed that he had committed suicide. Numerous bruises had reportedly been seen on his body.

Urgent appeals

891. On 18 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Adymamat Kadyrbekov**, a member of the KCHR, who had reportedly been arrested by members of the Governmental Auto Inspection in Jajal-Abad on 12 June 2001. It is alleged that when he showed his KCHR membership card, one of the militiamen said that he was "sick of all these law defenders", handcuffed Mr. Kadyrbekov and put him into a car, where he is believed to have been beaten. He was reportedly transferred to the City Department of Internal Affairs and the investigator is said to have opened a criminal case against him for "use of violence in resisting public officials", for which he could risk up to five years' imprisonment. He was reportedly released, but he allegedly remains under control of the militia. KCHR members are subjected to permanent acts of harassment in their daily activities.

Lebanon

892. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements sur les conditions de détention dans les lieux sous responsabilité policière. Lorsqu'une personne serait détenue sous la responsabilité de la police judiciaire (Dabita al'adliyya), qui est composée d'agents judiciaires travaillant avec la police et la gendarmerie, elle serait complètement dépourvue de son droit à un avocat, à sa famille ou à un médecin. De fait, d'après la loi, il n'existerait pas d'obligation pour la Dabita al'adliyya, le bureau du Procureur (Niyaba), ou la police, garantissant que toute personne détenue soit examinée par un médecin. Il n'y aurait pas non plus de disposition stipulant que la famille du détenu soit informée des faits et lieux de la détention. Par ailleurs, le Code de procédure criminelle (CPC) ne prévoit pas que la personne accusée ait immédiatement accès à son avocat lors de l'arrestation. Le Rapporteur spécial a été informé de l'absence d'une disposition légale qui indiquerait le temps limite durant lequel une personne peut être détenue en détention préventive. Le magistrat compétent dans l'affaire aurait le pouvoir de renouveler la période de détention indéfiniment. De plus, ce magistrat n'aurait pas l'obligation d'ouvrir une enquête lorsque des allégations de torture seraient formulées. Il n'aurait par ailleurs aucune obligation d'ordonner un examen médical dans ces cas-là. Aucun recours contre de telles décisions du magistrat en charge du dossier n'existerait.

893. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur spécial sur la violence contre les femmes, ses causes et ses conséquences, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels, lors de leur arrestation et détention, les femmes souffriraient de discriminations particulières dues à leur statut de femmes et seraient souvent soumises aux tortures et autres formes de mauvais traitements, dont les viols et autres abus sexuels. Ces derniers seraient en particulier dus au fait que les membres des forces de l'ordre, en particulier de la police, seraient majoritairement des hommes qui, de plus, n'auraient reçu aucune formation spécifique dans ce domaine. Les femmes accusées d'avoir commis des crimes seraient abandonnées par leur famille, ce qui les rendraient encore plus vulnérables à l'égard des forces de l'ordre. Cela signifierait aussi qu'un certain nombre d'entre elles n'auraient plus alors les moyens financiers nécessaires pour se garantir une aide juridique.

894. Les principales formes de mauvais traitements subis par les femmes seraient les suivantes: viols et tentatives de viols, insertion de divers objets dans le corps, coups et brûlures sur des parties sensibles du corps, mise à nu forcée et dévoilement des parties intimes, et utilisation d'insultes à caractère sexuel. Les gardes masculins envahiraient l'intimité des cellules des femmes de manière arbitraire et les priveraient d'accès aux toilettes qui leur sont spécifiquement destinées. Certaines femmes auraient aussi été obligées d'être les témoins des tortures endurées par des membres de leur famille.

895. Le Rapporteur spécial a transmis des renseignements selon lesquels les conditions de détention dans les prisons pour femmes situées à Ba'abda, Tripoli, Zhale dans la Bequ'a, et à Barbar al-Khazen, à Beirut, seraient cruelles, inhumaines et dégradantes. Les prisonnières de droit commun représenteraient près de 4,7 % de la population carcérale. Dans ces prisons, un nombre important de détenues seraient malades et ne recevraient pas l'attention médicale dont elles auraient besoin. Elles seraient maintenues, comme les autres détenues, dans des conditions inadéquates, en particulier en ce qui concerne l'hygiène, les installations sanitaires et la ventilation. Les dortoirs seraient surpeuplés et humides, ce qui leur ferait courir de sérieux risques pour leur santé. Les dortoirs seraient par ailleurs infestés d'insectes. En outre, les détenues n'auraient pas de lit et dormiraient à même le sol, utilisant des matelas en mousse. Les détenues seraient la plupart du temps enfermées dans leurs cellules et n'auraient pratiquement pas accès à de l'air frais, ni l'opportunité de faire des exercices physiques. D'après les informations reçues, des femmes de tout âge, y compris des mineures, seraient détenues ensemble, dans des lieux sans installations prévues pour les femmes enceintes ou pour les femmes détenues avec leurs enfants. De plus, il n'existerait pas de lieu spécifique de détention provisoire pour les femmes. La société civile aurait dénoncé ces conditions de détention en plusieurs occasions.

896. Le Rapporteur spécial a également transmis des renseignements concernant les cas individuels suivants.

897. **Bassima Huriya**, une jeune fille de nationalité syrienne, aurait été arrêtée le 23 mars 1997 alors qu'elle avait 16 ans, et aurait été accusée d'avoir été impliquée dans le meurtre de son fiancé. Elle aurait été détenue durant 20 jours par la police judiciaire (Dabita al'adliyya) au poste de police de Ba'abda, où elle aurait été détenue dans une cellule avec des adultes. Durant sa détention, elle aurait été interrogée et battue par des policiers en civil. Elle aurait été suspendue à une porte par les poignets, reçu des coups de poing sur les oreilles et aurait été frappée contre une armoire. Elle aurait également été soumise à la méthode dite du "poulet" (farruj), qui consisterait à attacher la victime à une barre en bois, à la suspendre et à la battre à coups de bâton. Les mauvais traitements auraient cessé quatre jours avant qu'elle ne soit présentée devant un magistrat qui, en réponse à son témoignage sur les tortures qu'elle aurait subies, lui aurait répondu que toute personne qui comparaissait devant lui se plaignait d'avoir été battue. Elle aurait été jugée en 1998 et condamnée, le 2 février 2000, à cinq ans de prison ferme.

898. **Fatima Yunes** aurait été arrêtée par des membres de la sécurité de l'État (Amn al-dawleh) le 26 octobre 1998, en relation avec le meurtre de son mari. Elle aurait été détenue au bureau de la sécurité de l'État de Tyre pendant quatre jours. Durant sa détention elle n'aurait pas eu accès à un avocat ni à aucune visite et aurait été soumise à de mauvais traitements

par huit hommes habillés en civil. En particulier, elle aurait été assise sur une chaise et battue, soumise à la méthode dite du "farruj" et brûlée avec des cigarettes. Elle aurait perdu connaissance et aurait fini par signer une confession. Lorsqu'elle aurait comparu devant le magistrat en charge de son dossier, elle aurait dénoncé avoir été victime de tortures et aurait montré des marques sur son corps et ses jambes. Le magistrat en question aurait ouvert une nouvelle enquête mais n'aurait pas ordonné d'examen médical.

899. **Lebnayniya Abdallah**, âgée de 16 ans au moment des faits, aurait été arrêtée en 1993 et accusée d'incitation au meurtre sur la personne de son beau-fils. Elle aurait été conduite au poste de police de Remeila, à Tripoli, et ensuite à Zgharta où elle aurait été détenue pendant 21 jours, durant lesquels elle aurait été obligée de dormir sur une chaise. Elle aurait été fouettée par six ou sept personnes. Elle aurait été obligée de se dénuder jusqu'à la taille. Elle aurait été soumise à la technique du farruj. Elle n'aurait pourtant jamais avoué avoir commis le crime qu'on lui reprochait. Ses interrogateurs l'auraient menacée de nouvelles tortures si elle se plaignait au magistrat en charge de son dossier. Elle aurait ensuite été transférée dans les prisons pour femmes de Tripoli et Ba'abda. Bien que mineure, elle aurait été détenue avec des adultes. En 1999, elle aurait été condamnée à la peine de mort bien que ses coïnculpés auraient témoigné qu'elle était innocente. La cour de cassation aurait finalement jugé en appel qu'elle était innocente et elle aurait été relâchée.

900. **Heba Ma'sarani** aurait été arrêtée le 14 juin 1997 et accusée de la mort de son mari qui se serait en fait suicidé. Elle aurait été emmenée au poste de police du port de Tripoli (Makhfar al-Mina) où elle aurait été interrogée pendant deux jours. Les agents de police l'auraient déshabillée et auraient tenté de la violer, mais le chef du poste les en aurait empêchés. Celui-ci aurait ordonné le transfert de Heba Ma'sarani au poste de police de Bab al-Ramla, à Tripoli, où elle aurait été amenée devant un magistrat instructeur avant d'être torturée pendant sept jours sans pourtant être interrogée. Elle aurait été violée par des membres de la Dabita al'adliyya de nuit et en l'absence du chef du poste de police. Elle aurait aussi été soumise à la méthode dite du "farruj" ainsi qu'à la méthode dite du "dullab", qui consisterait à suspendre la victime avec une chambre à air et à la battre. Elle aurait finalement été transférée sur ordre d'un magistrat dans une prison. Son procès aurait débuté neuf mois après son arrestation et se serait prolongé durant 18 mois. Elle aurait par la suite été transférée à l'hôpital-prison de Tripoli ne pesant que 36 kg.

901. Le Rapporteur spécial a aussi transmis des renseignements concernant des femmes accusées de "collaboration" avec Israël qui auraient été torturées dans le but de leur soutirer des confessions. Elles seraient détenues pendant de longues périodes au secret dans des centres de détention où le personnel serait entièrement masculin. Elles seraient en particulier détenues au centre de détention du Ministère de la défense où elles subiraient des interrogatoires musclés. Ces femmes seraient ensuite jugées par des cours militaires. Les Rapporteurs spéciaux ont en particulier transmis des renseignements sur les cas individuels suivants.

902. **Huyam'Ali'Alyan** aurait été arrêtée en mars 2001 par des membres de Al-Mukhabarat al-'Askariyya, suite à sa visite à des parents emprisonnés à la prison de Rumieh. Les yeux bandés et les mains menottées, elle aurait été emmenée à Sido Barracks, puis au centre de détention du Ministère de la défense, où elle aurait été maintenue au secret pendant 16 jours

durant lesquels elle aurait été battue et menacée par des agents masculins. Elle aurait été frappée sur tout le corps, y compris le dos, le ventre et les parties génitales. Elle n'aurait pas reçu de soins médicaux et n'aurait pas reçu de serviettes hygiéniques pour contenir le sang. Ceci aurait provoqué un prolapsus (glissement) de l'utérus. Durant sa détention au secret, elle aurait été forcée de rester continuellement assise sur une chaise dans un couloir dans le but de l'empêcher de dormir. Elle aurait été obligée d'être témoin des tortures qu'aurait subies son oncle. Un procureur militaire l'aurait fait examiner par un médecin légiste et d'après le rapport de ce dernier, daté du 11 avril 2001, elle aurait eu des contusions aux bras et poignets cohérentes avec ses allégations. Elle aurait comparu devant la Cour militaire de Beirut en juin 2001 et celle-ci l'aurait condamnée pour avoir "collaboré" avec Israël. Elle se trouverait à présent à la prison de Barbar al-Khazen, à Beirut.

903. **Khadija Hussain Marwa** aurait été arrêtée chez elle dans le village de Kafr Hatti au Sud-Liban, en août 1999, par des membres de Al-Mukhabarat al-'Askariyya, et soupçonnée de "collaboration" avec Israël. Elle aurait été détenue au secret au centre de détention du Ministère de la défense où elle aurait été privée des médicaments qu'elle prenait de manière régulière et aurait été contrainte d'avouer avoir "collaboré" avec Israël. Elle aurait été libérée en août 2000 après avoir servi sa peine dans la prison pour femmes de Beyrouth.

904. **Huda Yamin, Lina Ghurayeb** et **Muna Shkayban** auraient été arrêtées entre le 9 et le 12 septembre 1994 en même temps que d'autres personnes soutenant le général 'Aoun. Elles auraient été accusées d'avoir distribué des tracts critiquant la présence syrienne au Liban. Elles auraient été détenues pendant plus de deux semaines durant lesquelles elles auraient subi des interrogatoires au Ministère de la défense. Lina Ghurayeb et Muna Shkayban auraient été contraintes de se déshabiller devant des officiers masculins et l'une d'elles aurait été frappée sur la poitrine avec un bâton. Elles auraient été tirées par les cheveux et auraient été insultées. Elles auraient été mises en liberté conditionnelle en 1997 avant d'être condamnées à deux semaines d'emprisonnement pour Huda Yamin, et dix jours, pour Lina Ghurayeb et Muna Shkayban.

905. Finalement, le Rapporteur spécial a transmis des renseignements concernant des femmes émigrées qui travaillent souvent comme domestiques. Lorsqu'elles se plaindraient de mauvais traitements de la part de leurs employeurs, elles seraient soumises à des mauvais traitements supplémentaires de la part des forces de l'ordre. Les femmes détenues pour des raisons liées à la drogue et à la prostitution seraient particulièrement vulnérables aux sévices sexuels. Elles seraient détenues dans des lieux différents des femmes libanaises, en particulier au Centre de détention des étrangers des services généraux de sécurité (al-Amn al-'Amm), ce qui les rendrait vulnérables aux mauvais traitements et autres abus du fait qu'elles ne comprennent souvent pas la langue et ne bénéficient pas de la protection des autres femmes détenues d'origine libanaise. Très peu d'émigrées bénéficieraient d'une assistance juridique. Elles auraient souvent été forcées de signer des documents dans une langue qu'elles ne comprenaient pas. Certaines émigrées auraient continué à être détenues après avoir été acquittées ou après avoir terminé leurs peines en raison des pouvoirs discrétionnaires donnés aux services généraux de sécurité en matière d'application de la loi sur la présence des étrangers au Liban. Certaines pourraient ainsi être considérées comme des menaces pour la sécurité de l'État ou devraient attendre jusqu'au moment où elles recevraient les moyens financiers pour se payer leur billet de retour ou les papiers administratifs permettant leur retour au pays. En particulier, les Rapporteurs spéciaux ont transmis des renseignements sur les cas individuels suivants.

906. **Clarissa Colliante** et **Elda Esquillo**, deux femmes originaires des Philippines, qui auraient été détenues à la prison centrale pour étrangers après avoir refusé de se soumettre à un ordre du Directeur des services généraux de sécurité de retourner auprès de leurs employeurs, qui selon elles, les maltraitaient et refusaient de mettre fin à leur contrat. Elles auraient été détenues au secret sans faire l'objet d'aucune inculpation. Clarissa Colliante aurait par la suite été déportée aux Philippines où, en 1999, elle aurait gagné un procès contre son ancien employeur. Elda Esquillo aurait été contrainte de retourner chez son employeur.

907. **Farhoud Fakadu**, une femme d'origine éthiopienne, aurait été accusée d'avoir tué son nouveau-né. Elle aurait été détenue en 1997. Elle aurait été frappée par un policier et un docteur qui l'auraient forcée à signer un document en arabe qu'elle ne comprenait pas. Elle se serait plainte auprès du magistrat en charge de son dossier. Ce dernier n'aurait pas réagi. Elle aurait finalement été condamnée en 1999 à trois ans d'emprisonnement.

908. By letter dated 26 November 2001, the Government stated that the Public Prosecutor was conducting the necessary investigations into these cases with the authorities concerned with a view to establishing the facts and instituting the requisite proceedings against the perpetrators if the charges against them were supported.

909. By the same letter, the Government also indicated that the Criminal Procedure Act of 2 September 2001, as amended by Law No. 359 of 16 August 2001, which will enter into force as of 7 November 2001, puts the maximum period for remand in custody at 48 hours, renewable for a further 48-hour period subject to the approval of the Department of Public Prosecutions.

Urgent appeals

910. On 4 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **Jawwad Muhammad 'Alyan**, **Ahmad Muhammad 'Alyan**, his brother, and **Huyam 'Ali 'Alyan**, their niece, who were said to be held on suspicion of having collaborated with Israel. Jawwad Muhammad 'Alyan was reported to be held incommunicado at the Ministry of Defence detention centre in al-Yarze in Beirut, where he is believed to be subjected to torture in an attempt to make him confess. Ahmad Muhammad 'Alyan was reportedly held incommunicado for three weeks at the same detention centre, where he was allegedly forced to sign an incriminating statement which he was not allowed to read. He is believed to have been handcuffed, blindfolded and subjected to techniques referred to as the "German chair" (a metal chair with moving parts, which stretches the spine and causes severe pressure on the victim's neck and legs) and "Ballanco" (hanging by the wrists, which are tied behind the back). He was said to be held in Rumieh prison. Huyam 'Ali 'Alyan was reportedly arrested in Dahr al-Bayyadhah, was said to be detained at the Barbar al-Khazin barracks. It is alleged that she had been handcuffed, blindfolded and beaten. Both Ahmad Muhammad 'Alyan and Huyam 'Ali 'Alyan are believed to have suffered serious injuries as a result of the treatment to which they were allegedly subjected.

911. On 10 August 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of **150 political activists**, among them **Tawfiq al-Hindi,** a leading member of the Lebanese Forces Party, and **Nadim Latif**, a senior member of the Free Patriotic Movement. It was reported that over the last three days, they had been arrested by military intelligence, allegedly at their homes or while they were distributing leaflets or attending party meetings. Ten students were allegedly brought before the Military Court in Beirut on 8 August. They were convicted of distributing leaflets harming the reputation of the Syrian army and defaming the President of the Lebanese Republic and sentenced to various terms of imprisonment. The above-mentioned political activists were reportedly held incommunicado at the Ministry of Defence detention centre in al-Yarze, Beirut.

912. Par une lettre datée du 14 novembre 2001, le Gouvernement a indiqué que ces personnes avaient été arrêtées sur la base d'une décision du procureur général en conformité avec les règles juridiques pertinentes, et sont accusées de crimes punissables par la loi militaire ou le droit pénal. Elles ont été déférées au tribunal et la majorité d'entre elles a été libérée sous caution. Le Gouvernement a précisé que leur procès aura lieu en vertu des lois en vigueur. Aucune pratique inhumaine n'a été exercée à leur encontre.

913. Le 14 septembre 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Fadi al-Shamati, Sa'ud Bu-Shibl, Milad 'Assaf** et **Dani Gea'gea'**, tous membres du parti des Forces libanaises (FL), interdit d'activités depuis 1994, qui auraient été arrêtés à Beyrouth entre le 7 et le 11 septembre 2001 par les services de renseignements militaires. Ils seraient actuellement détenus au secret au centre de détention du Ministère de la défense à Yarze, Beyrouth. Ils auraient été arrêtés pour avoir distribué des tracts politiques et avoir tenu une réunion politique non autorisée. Leur arrestation ferait suite à une vague d'arrestations de membres des FL qui auraient par la suite été inculpés devant un tribunal militaire de participation à des activités politiques non autorisées et de collaboration avec Israël. La plupart d'entre eux auraient depuis été relâchés.

Follow-up to previously transmitted communications

914. Concerning the Sudanese asylum-seekers (see E/CN.4/2001/66, para. 697), the Government responded by letter dated 22 December 2000, stating that Yusif Deng Kair, Majok Deng Manjor, Faisal Chol Daniel, Adil Gobara Saad, David Malith and Mario Eliyab were returned to their country by arrangement with its embassy, that Michael Andro Logo was released by decision of the Director-General, Abdallah Adam Alli was released on 30 August 2000, William Joseph Akok on 29 August, and Trapol Ibrahim Lako on 14 October. Mohamad Gibril Elkofi left on 30 September 2000, Yahia Adam on 22 October, Omer Mohamed Abdallah on 28 October, and Suliman Mohamed Tahamed on 1 September. David Jestin Jacoth, Chol Koagy, Akwok Malith, Abdelrahman Achwel, Lames Edward, Simon Bakhit, Abdallah Mohamed Haroun, Chol Kody and Makair Tut were never detained by the Director-General of Public Security.

915. By letter dated 26 November 2001, the Government provided the Special Rapporteur with further information on the 1963 Law on the entry, residency and exit of aliens from Lebanon. The Government reiterated that allegations about human rights violations were totally untrue and unfounded. The Department of the Public Prosecutor, which oversees the judicial police, consistently investigates any complaints which it receives and ensures that justice is done. All the measures applied in respect of the Sudanese nationals were lawful and consistent with their illegal status.

Liberia

916. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information according to which since mid-2000, more than 100 civilians, including women, have been tortured by the Anti-Terrorist Unit (ATU) and other Liberian security forces. According to the information received, victims of torture are mainly people suspected of backing the armed incursions by Liberian armed opposition groups from Guinea into Lofa County. The security forces are reported to have mostly targeted members of the Mandingo ethnic group whom they allegedly associate with the United Liberation Movement for Democracy in Liberia (ULIMO), a predominantly Mandingo warring faction in the 1989-1996 Liberian civil war, accused by the Liberian Government of being responsible for the armed incursions into Lofa County in 1999. People are said to have been tortured while held incommunicado, especially at the military base in Gbatala and the ATU cells behind the executive mansion in Monrovia. According to the information received, armed opponents detained at the military base in Gbatala are held in holes dug in the ground - some of them filled with dirty water - and are regularly beaten including with gun butts, flogged and kicked. It is reported that some have had plastic melted on their bodies or cigarettes put out on their skin, that others have been forced to roll in the mud, walk on broken glass with their bare feet or eat hot pepper. Suspects are said to be regularly *tabied*, which means that their arms are tied together so tightly behind their backs that their elbows eventually touch. It is alleged that women and young girls have been raped by the security forces. To the Special Rapporteur's knowledge, since the end of the civil war and the holding of elections in 1997, no institutions for protection and promotion of human rights has been established and no training in international human rights standards has been provided to special security units such as the ATU and the Special Operation Division (SOD), which are said to be regularly responsible for torture.

917. The Special Rapporteur transmitted information on the following individual cases.

918. **A 15-year-old boy** was reportedly arrested in April 1999 on suspicion of being a dissident and detained incommunicado at the Post Stockade and beaten before being released without charge in May 2000. He reportedly required medical treatment. **Another boy, aged 18**, is reported to have been arrested and detained at the same time and place and in the same conditions.

919. **Kwesi Owusu** was reportedly arrested by six officers of the Anti Terrorist Unit on 12 August 1999 and detained at the ATU base in Gbatala, until 4 September 1999, where he was allegedly flogged daily, made to chew cigarette butts as food and to drink urine. He was reportedly kept in a hole full of water and forced to have anal sex with other inmates.

920. **A number of members of the Mandingo community** were reportedly attacked in October 2000 in Sagleipie town, Nimba County, by individuals belonging to the Gio and the Mano ethnic groups and a local police commander who were armed with knives, sticks and stones. Several Mandingo people were reportedly wounded, their property destroyed, and the local mosque burnt. Four, including Aminata Kenneh and Mabenane Kenneh disappeared. An investigation was reportedly opened and several people, including a local police commander, were arrested and taken to Monrovia.

921. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

922. **A 16-year-old Mandingo girl** was reportedly repeatedly raped by a soldier at a checkpoint between Baziwehn and Luyema, upper Lofa County, between August and September 2000.

923. Four women, including **a 17-year-old Mandingo girl**, were reportedly arrested at the end of February 2001 on the outskirts of Kolahun, upper Lofa County, on suspicion of supporting the dissidents. They were reportedly held for almost a month and gang-raped by members of the Anti-Terrorist Unit (ATU) and local vigilantes.

924. **Four women**, among them **a 17-year-old girl**, suspected of supporting dissidents were reportedly arrested in early March 2001 at checkpoints in upper Lofa County, held in Vahun for a few weeks and gang-raped by members of the ATU and the SOD. Two of the women were reportedly wounded with a knife when they refused to have sex with the security officers who subsequently raped them.

925. By letter dated 30 September 2001 sent jointly with the Special Rapporteurs on violence against women, and on freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information concerning **dozens of university students and professors** who were reportedly whipped and severely beaten by the SOD and the ATU in Monrovia on 21 March 2001, during an allegedly peaceful protest against the continued detention of four journalists. More than 40 students were allegedly arrested and more than 20 were taken to National Police Headquarters in Monrovia and later released without charge, carrying visible marks of beatings. At least seven of the female students arrested were allegedly raped and one of the arrested students had his elbow dislocated.

926. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information concerning **Alieu Jabateh** who was among a group of at least seven Liberian refugees, all Mandingos repatriated from Nzérékoré, Guinea, by UNHCR, who were reportedly arrested on 14 June 2000 by the security forces at the Ganta border post, Nimba County, taken to Gbatala base blindfolded and tied with ropes, and repeatedly kicked and beaten, including with bayonets, for two weeks. Alieu Jabateh reportedly died in custody. At least five were allegedly released shortly afterwards, bearing marks of torture on their bodies.

927. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on freedom of opinion and expression, the Special Rapporteur advised the Government that he had received information concerning **Sorious Samura**, **Gugulakhe Radeba**, **David Barrie** and **Timothy John Lambon**, all journalists working for Channel 4 (UK) suspected of having investigated politically sensitive issues such as arms transfers to Liberia, who were reportedly detained on charges of espionage for several days in August 2000 in Monrovia. They are reported to have been beaten following their arrest and one of them was allegedly threatened with death.

Libyan Arab Jamahiriya

928. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in1998 regarding which no reply had been received.

Urgent appeals

929. On 29 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the independence of judges and lawyers regarding the trial of **98 persons** who had reportedly been arrested in the summer of 1998 on suspicion of political opposition activities and had been accused of membership of the Muslim Brotherhood movement. A session of the trial took place on 17 June 2001 and the next hearing was due to take place on 1 July. The trial is being conducted by a People's Court, but in secrecy, excluding even the defendants' family members. The People's Court was believed to be composed of many judges who are not legally qualified. It has been alleged that the defendants were subjected to arbitrary arrest as well as to torture and other forms of ill-treatment while in incommunicado detention. The lawyers appointed by the defendants were allegedly neither allowed to review the cases nor were they allowed to meet with their clients. The lawyers were not allowed to enter the court at the hearing of 29 April 2001 and the court then appointed public defenders. It has been reported that the lawyers met their clients for the first time at the hearing of 17 June.

930. By letter dated 8 October 2001, the Government stated that the 98 persons were charged with membership of the Muslim Brotherhood, a proscribed political party. The trial was being held in open session before the People's Court in the presence of the defendants' friends and families. The allegations of arbitrary arrest and torture are false, and at no stage of the proceedings have the defendants lodged any complaints of having been subjected to any ill-treatment.

Malaysia

931. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 1999 and 2000 regarding which no reply had been received.

Urgent appeal

932. On 12 April 2001, the Special Rapporteur sent an urgent appeal on behalf of at least seven members of the opposition party, Parti Keadilan Nasional, including **Tian Chua, Mohd. Ezam Mohd. Noor, Haji Saari Sungip, Hishamuddin Rais, Raja Petra Kamaruddin,**

N. Gobala Krishnan, Abdul Ghani Harun and **Abdul Malek Husin**, on behalf of whom the Chairman-Rapporteur of the Working Group on Arbitrary Detention intervened on 11 April. They were reportedly arrested in Kuala Lumpur on 10 April 2001, a few days before a demonstration they were reportedly planning to mark the second anniversary of the sentencing of Anwar Ibrahim, the former Deputy Prime Minister (see below). These persons were allegedly also planning to submit a memorandum to the Malaysian Commission on Human Rights. They were allegedly arrested under the Internal Security Act which allows the police to detain without a warrant and hold incommunicado any person deemed to be a threat to national security. They were believed to be held incommunicado at the Bukit Aman national police headquarters in Kuala Lumpur.

933. By letter dated 28 August 2001, the Government responded that the seven people were taken into custody in order to assist the police in investigating credible threats to public order and the internal security of Malaysia. The police believed that they would organize an illegal nationwide demonstration resulting in public unrest. Due process of law had been followed during their arrest and detention. Mohd. Ezam Mohd. Noor had publicly announced on 4 March 2001 that he would hold public demonstrations until the Government was overthrown. Last year, he and Chua Tian Chang were charged in court for organizing an illegal assembly. The trial is pending and both are on police bail. In June 2001, the police released Raja Petra Raja Kamaruddin upon completion of the investigations. Gobala Krishnan and Abdul Ghani Haron were released following a decision by the Malaysian High Court. The remaining individuals, Mohd. Ezam Mohd. Noor, Chua Tian Chang, Hishamuddin Rais and Saari Sungip, have been formally detained under section 8 (1) of the Internal Security Act 1960, as being a threat to public order. Since their detention an unlimited number of family members were allowed to visit the detainees on several occasions. They were at all times treated humanely. The Chairman and four members of the Malaysian Human Rights Commission (SUHAKAM) were given unhindered access to all detainees on 29 May 2001. No allegations of any ill-treatment have been reported.

934. On the same day, the Special Rapporteur also sent an urgent appeal on behalf of Dato' Seri **Anwar Ibrahim**, former Deputy Prime Minister and Finance Minister, who was arrested under the Internal Security Act on 20 September 1998 and on behalf of whom the Special Rapporteur had sent an urgent appeal on 1 October 1998 (see E/CN.4/1999/61, para. 458). It was reported that the Royal Commission of Inquiry to investigate the injuries to Anwar Ibrahim whilst in police custody had concluded that he had been subjected to ill-treatment during his detention. He was now said to be suffering from a " transforaminal endoscopic discectomy" which is believed to cause him a severe back pain. A Dutch specialist recommended that he undergo endoscopic surgery, which must be performed in Germany because of the lack of appropriate equipment and staff in Malaysia. This is said to have been refused by the authorities, despite assurances from Anwar Ibrahim and his family that he would return to Malaysia after the treatment and would pay for all the costs relating to the procedures and treatment. Doctors reportedly agree that the current health problem could also be the result of a trauma sustained in September 1998 when he was assaulted while in custody and fell on his right hip.

935. On 26 April 2001, the Special Rapporteur sent an urgent appeal, jointly with the Special Rapporteur on freedom of expression and the Chairman-Rapporteur of the Working Group on Arbitrary Detention, regarding the arrest of **Dr. Badrul Amin Baharom** and **Lokman Nor Adam**, both members of the opposition, National Justice Party (Parti Keadilan Nasional), on 20 April and 24 April 2001, respectively, and their detention under the Internal Security Act (ISA), without access to a lawyer. Dr. Baharom and Mr. Adam were arrested in connection with the preparation of a rally during which a formal complaint and memorandum on the state of human rights in Malaysia was to be submitted to the National Human Rights Commission on 14 April 2001.

936. By letter dated 28 August 2001, the Government responded that they had been arrested on 20 and 24 April 2001, respectively, and taken into custody in order to assist the police in investigating credible threats to public order and the internal security of Malaysia. They were intent on organizing an illegal nationwide demonstration that would result in public unrest. Due process of law had been followed during their arrest and detention. They were formally detained under the Internal Security Act 1960 on the ground of constituting a threat to national security. Their family members were allowed to visit them on several occasions. They were at all times treated humanely. The Chairman and four members of the Malaysian Human Rights Commission were given unhindered access to all detainees on 29 May 2001. No allegations of any ill-treatment have been reported.

937. On 3 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Badaruddin Ismail**, a member of the secretariat of the human rights organization Suara Rakyat Malaysi (SUARAM), Voice of the Malaysian People, who had reportedly been arrested on 26 April 2001 under the ISA. He was reportedly held incommunicado at an unknown location. It was believed that he had been arrested without charge in connection with his work assisting the families of detainees and documenting police brutality.

938. The same urgent appeal referred to the provision of the ISA that permitted the Minister of Home Affairs to extend the period of detention for an initial period of up to two years without reference to the courts. The Prime Minister was said to be able to issue a further detention order for up to another two years, again without reference to the courts. And this period is renewable indefinitely. On 25 April 2001, the High Court reportedly dismissed a petition of habeas corpus brought on behalf of individuals detained under the ISA, ruling that it had no jurisdiction over the matter as the arrests had been carried out by the police in line with the powers accorded to them under the ISA.

939. By letter dated 28 August 2001, the Government responded that Badaruddin Ismail had been taken into custody in order to assist the police in investigating credible threats to public order and the internal security of Malaysia. He was amongst those intent on organizing an illegal nationwide demonstration that would result in public unrest. Due process of law has been followed during his arrest and detention. He was released by the police upon completion of the investigations. The detainee's family members were allowed to visit him on several occasions.

He was at all times treated humanely. The Chairman and panel members of the Malaysian Human Rights Commission, were given unhindered access to all detainees on 29 May 2001. No allegations of any ill-treatment have been reported.

940. On 6 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Khairul Anuar Ahmad Zainuddin** who had reportedly been arrested in Kuala Lumpur on 5 July 2001 as he was accompanying six student activists to a police station. The students are said to have been told to report to the police station in connection with their alleged participation in a peaceful demonstration against the ISA which reportedly took place outside the national mosque on 8 June 2001. Khairul Anuar Ahmad Zainuddin is said to have been arrested under the ISA.

941. By letter dated 28 August 2001, the Government responded that Mr. Zainuddin had been taken into custody on 5 July 2001 to assist the police pertaining to credible threats to the internal security of Malaysia, pursuant to the ISA. He was released unconditionally on 28 July 2001. In custody, he had access to his relatives and was in good medical condition. There had been no allegations of ill-treatment arising from the arrest.

942. On 17 July 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders, the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of **Mohamad Fuad Mohd. Ikhwan**, President of the Student Representative Council of University Malaya, who had reportedly been arrested in Kuala Lumpur on 6 July 2001, as well as of a student leader from the Institute Kemahiran Mara, **Khairul Anuar Ahmad Zainuddin**, who had reportedly been arrested on 5 July 2001 at the Dang Wangi police station. Both were said to be held incommunicado by the police under the ISA at an undisclosed detention centre.

943. By letter dated 28 August 2001, the Government responded that they had been arrested on 5 and 6 July 2001, respectively, pursuant to the ISA. They were released unconditionally on 16 and 28 July 2001, respectively. They both had access to their relatives and were in good medical condition.

944. On 6 August 2001, the Special Rapporteur sent an urgent appeal on behalf of the following members of Malaysia's largest opposition party, the Pan-Malaysian Islamic Party (PAS): **Norashid Sakid**, PAS youth leader; **Ahmad Tajuddin Abu Baka**, PAS youth leader; **Solehan Abdul Ghaffar**, PAS welfare activist; and **Alias Ngah**, PAS welfare activist; **Zainun Ismail**, **Abu Bakar Che Doi**, **Asfawani Abdullah** and **Ahmad Pozi Darman** were arrested at the same time. They were reportedly arrested between 2 and 3 August 2001 under the ISA. They are believed to be held incommunicado at unknown locations. According to a report by the National News Agency, Bernama, the Inspector-General of Police, Tan Sri Norian Mai, has claimed that those detained are believed to be involved in an alleged religious extremist movement and had undergone military training in Afghanistan.

945. On 12 October 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of the following **six religious teachers** in Islamic schools: **Khairuddin Saad, Zulikifli, Mohamad Zulkifli, Mohd. Zulkifli Mohd. Zakari**, **Mohd. Salleh Said** and **Hazami Ishak**. They had reportedly been arrested under the ISA on 10 October 2001 on suspicion of "having acted in a manner that could jeopardize national security" and were said to be accused of being involved in a local militant Islamic group, the Kumpulan Mujahidin Malaysia (KMM), which, the authorities reportedly claim, is responsible for a series of crimes. They were said to be held incommunicado at unknown locations without charge or trial.

Maldives

Urgent appeals

946. On 29 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Mohamed Nasheed**, a member of Paliament for Male' atoll, who had reportedly been arrested on 8 October 2001 and taken to Male' police station where he has been held incommunicado since 14 October. He was a signatory to a petition handed over to the Minister of Home Affairs on 28 February 2001 requesting permission to set up a political party, the Maldivian Democratic Party. This was believed to be the reason for his arrest.

Mali

947. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 1999 regarding which no reply had been received.

Mauritania

Appels urgents

948. Le 28 mai 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Rapporteur spécial sur le droit à la liberté d'opinion et d'expression en faveur de **Mohamed Lemine Chbih Ould Cheikh Melaïnine**, Président du Front populaire mauritanien, qui aurait été arrêté le 8 avril 2001, chez lui, à Nouakchott. Six jours après son arrestation, il aurait été inculpé de conspiration dans le but de former un groupe armé dans l'intention de perpétrer des actes terroristes. **Mokhtar Ould Haïbetna** et **Bouba Ould Hassena** auraient aussi été arrêtés et inculpés. Ses inculpations seraient sans fondement et auraient pour but de mettre fin à leurs activités politiques. Suite à des manifestations de leurs partisans, la Cour suprême aurait décidé de transférer l'affaire à la cour de Aioun, qui se situe à 800 km de Nouakchott, près de la frontière avec le Mali. Les trois hommes seraient ainsi actuellement détenus à la prison de Aioun où les conditions de détention seraient déplorables. Mohamed Lemine Chbih Ould Cheikh Melaïnine aurait des problèmes cardiaques nécessitant une attention médicale constante.

Mexico

949. Con fecha 15 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido la siguiente información sobre el seguimiento de sus recomendaciones incluidas en el informe de su visita a México (E/CN.4/1998/38/Add.2, párr. 88).

950. El Gobierno de México no proporcionó datos sobre las medidas emprendidas para el seguimiento y aplicación de tales recomendaciones. Los datos transmitidos posteriormente por organizaciones de derechos humanos mexicanas han permitido ampliar la información en relación al seguimiento y aplicación de las recomendaciones del Relator Especial, incluidas en el informe de su visita a México en 1997 (E/CN.4/1998/38/Add.2, anexo), por parte del Gobierno de México.

951. *(a) Se insta encarecidamente a México a que examine la posibilidad de ratificar el Protocolo Facultativo al Pacto Internacional de Derechos Civiles y Políticos y hacer la declaración prevista en el artículo 22 de la Convención contra la Tortura y Otros Tratos o Penas Crueles, Inhumanos o Degradantes, para permitir así el derecho de petición individual al Comité de Derechos Humanos y al Comité contra la Tortura, respectivamente. Se insta análogamente a estudiar la posibilidad de ratificar el Protocolo Adicional II a los Convenios de Ginebra de 12 de agosto de 1949 relativos a la protección de las víctimas de los conflictos armados sin carácter internacional, y de hacer la declaración prevista en el artículo 62 de la Convención Americana sobre Derechos Humanos concerniente a la jurisdicción obligatoria de la Corte Interamericana de Derechos Humanos.*

952. En diciembre de 1998, México ratificó la declaración contemplada en el artículo 62 de la Convención Americana de Derechos Humanos relativa a la jurisdicción obligatoria de la Corte Interamericana de Derechos Humanos. Pero México todavía no ha firmado ninguno de los demás textos. El Secretario de Relaciones Exteriores habría determinado que el Gobierno mexicano no podía ratificar el Protocolo Opcional o registrar la Declaración de la Convención contra la Tortura porque eso requeriría un pagamento de indemnización. La falta de un sistema de indemnización en México impediría una aplicación completa de las decisiones de los comités. Sin embargo, en el 57° período de sesiones de la Comisión de Derechos Humanos, el Dr. Jorge G. Castañeda, Secretario de Relaciones Exteriores de México, afirmó la voluntad de su Gobierno de actualizar las obligaciones internacionales de México, mediante la adhesión a tratados de los que el país aún no sería parte y el retiro de reservas en otros, entre los cuales cabe destacar el Protocolo Facultativo del Pacto Internacional de Derechos Civiles y Políticos.

953. *(b) Debe establecerse un sistema de inspección independiente de todos los lugares de detención por expertos reconocidos y miembros respetados de la comunidad local.*

954. Según ha sido informado el Relator Especial, no se habría establecido tal sistema. En algunos casos, la Procuraduría, a través de su oficina de derechos humanos, haría inspecciones en las prisiones pero éstas carecerían de imparcialidad. Algunas comisiones de derechos humanos a nivel estatal efectuarían controles en las prisiones pero, según la información recibida, estas comisiones no tendrían la experiencia y las competencias

suficientes y actuarían a menudo como agentes del Ministerio Público. Las comisiones de derechos humanos de Ciudad de México y Jalisco serían las más efectivas en sus recomendaciones relativas a abusos y/o privilegios. La Comisión Nacional de Derechos Humanos (CNDH) también realiza visitas a nivel federal, pero la cantidad de dichas visitas habría sido notoriamente reducida.

955. *(c) Debe hacerse extensivo a todo el país el sistema de grabar en cinta los interrogatorios aplicado en una comisaría de Ciudad de México.*

956. Según ha sido informado el Relator Especial, no se habría establecido tal sistema. Se habrían grabado algunos interrogatorios pero se trataría de casos importantes o escandalosos. En estos casos, las grabaciones serían a menudo manipuladas.

957. *(d) No debe considerarse que las declaraciones hechas por los detenidos tengan un valor probatorio a menos que se hagan ante un juez.*

958. Según ha sido informado el Relator Especial, el Código de Procedimiento Penal no habría sido enmendado para dar valor probatorio únicamente a las declaraciones hechas por los detenidos ante un juez.

959. *(e) Una vez que se haya hecho comparecer a un detenido ante un procurador, no debe devolvérsele a detención policial.*

960. Según ha sido informado el Relator Especial, el Código de Procedimiento Penal no habría sido enmendado para impedir que los detenidos sean devueltos a la custodia policial después de haber comparecido ante un procurador.

961. *(f) Debe revisarse radicalmente el sistema de los defensores de oficio a fin de garantizar una mejora sustancial de su competencia, remuneración y condición jurídica.*

962. Según ha sido informado el Relator Especial, el sistema de los defensores de oficio no habría sido revisado radicalmente pero habría habido algunos avances a nivel federal. En 1998, se creó el Instituto Federal de Defensores de Oficio para intentar mejorar sus salarios y su formación así como transferir el sistema de los defensores de oficio del poder ejecutivo al poder judicial. Sin embargo, la Administración del Presidente Vicente Fox habría propuesto devolver este sistema al poder ejecutivo. Por otra parte, el traslado del sistema de los defensores de oficio al poder judicial no representaría una reforma sustancial. Pues muchas de las prácticas defectuosas de los defensores de oficio persistirían.

963. Además, se observa una mala interpretación del artículo 20 de la Constitución que garantiza al inculpado el acceso inmediato a un defensor de oficio. Los agentes de la Policía y del Ministerio Público tendrían tendencia a interpretar el artículo 20 como el derecho al acceso a un defensor de oficio a partir del momento en que éste empieza a declarar. Según la interpretación de estos agentes, no sería necesario que el defensor de oficio estuviese presente durante el interrogatorio o antes de la detención.

964. *(g) Debe vigilarse atentamente la base de datos de agentes de policía destituidos para asegurarse de que no sean transferidos de una jurisdicción a otra.*

965. Según ha sido informado el Relator Especial, la base de datos de agentes de policía destituidos sólo se ha implementado en las grandes ciudades y tal base de datos no incluye información sobre todas las corporaciones policiales.

966. *(h) Todas las procuradurías generales de justicia deberían establecer un sistema de rotación entre los miembros de la policía y el Ministerio Público, para disminuir el riesgo de establecer vínculos que puedan conducir a prácticas corruptas.*

967. Según ha sido informado el Relator Especial, no se habría establecido tal sistema.

968. (i) Los procuradores y jueces no deben considerar necesariamente que la falta de señales corporales que pudieran corroborar las alegaciones de tortura demuestre que esas alegaciones sean falsas.

969. Según ha sido informado el Relator Especial, el Gobierno mexicano no habría tomado medidas para concientizar a los procuradores y jueces en este sentido. De acuerdo con la información recibida, en agosto de 2000, un juez federal habría utilizado confesiones obtenidas mediante tortura para declarar culpable a dos ecologistas alegando que los informes médicos llevados a cabo por los médicos del Ministerio Público y militares no mostraban pruebas de signos de tortura. Sin embargo, la CNDH habría emitido previamente una recomendación sobre este caso (8/2000) que afirmaba las alegaciones de tortura de los procesados. Más tarde, una organización no gubernamental habría encontrado pruebas físicas de tortura pero el magistrado encargado de este caso no habría aceptado los informes de dicha organización alegando, erróneamente según la información recibida por el Relator Especial, que no podía aceptar nuevas pruebas en un recurso de apelación. Por otra parte, el proyecto de la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos (OACNUDH) está desarrollando un programa de formación médico para el examen e informe sobre la tortura.

970. *(j) Los delitos graves perpetrados por personal militar contra civiles, en particular la tortura u otros tratos o penas crueles, inhumanos o degradantes, deben ser conocidos por la justicia civil, con independencia de que hayan ocurrido en acto de servicio.*

971. Según ha sido informado el Relator Especial, el personal militar responsable de delitos graves contra civiles sigue sin ser sujeto a la justicia civil.

972. *(k) Debe enmendarse el Código Penal Militar para incluir expresamente el delito de tortura infligida a personal militar, como es el caso del Código Penal Federal y de la mayoría de los códigos de los Estados.*

973. Todavía no se tiene conocimiento de enmendamientos del Código Penal Militar para incluir expresamente el delito de tortura infligida a personal militar.

974. *(l) Los médicos asignados a la protección, atención y trato de personas privadas de libertad deben ser empleados con independencia de la institución en que ejerzan su práctica; deben ser formados en las normas internacionales pertinentes, incluidos los Principios de ética médica aplicables a la función del personal de salud, especialmente los médicos, en la protección de personas presas y detenidas contra la tortura y otros tratos o penas crueles, inhumanos o degradantes. Deben tener derecho a un nivel de remuneración y condiciones de trabajo acordes con su función de profesionales respetados.*

975. Según ha sido informado el Relator Especial, el Gobierno de México no ha tomado las medidas necesarias para garantizar que los médicos asignados al trato de personas privadas de libertad sean empleados con independencia de la institución en que ejercen su práctica ni para mejorar sus salarios y sus condiciones de trabajo. De acuerdo con la información recibida, los médicos forenses responsables de evaluar la integridad física de los detenidos tendrían un bajo nivel profesional y sus informes tenderían a ser superficiales. Esto se debería a la falta de formación así como a la complicidad con los procuradores. Además no existirían médicos especializados en examinar signos de tortura en las personas privadas de libertad. Cabe volver a señalar que el proyecto del ACNUDH está desarrollando un programa de entrenamiento médico.

976. *(m) Debe apoyarse la iniciativa de la Comisión Nacional de Derechos Humanos (CNDH) para mejorar la Ley relativa a la indemnización de las víctimas de violaciones de los derechos humanos.*

977. Según la información recibida, la iniciativa de la CNDH no ha recibido el apoyo necesario y en muy pocos casos la CNDH recomienda indemnizaciones para víctimas de torturas. En los pocos casos en que la CNDH habría recomendado indemnizar a una persona, esto se debió al hecho de que tales indemnizaciones no eran obligatorias. Por ejemplo, la recomendación 75/97 de la CNDH relativa al caso de Yéssica Díaz, quien se suicidó después de ser violada por varios miembros de la policía estatal de Durango, recomienda que su familia tiene que recibir una indemnización. Las autoridades no cumplieron dicha recomendación y la familia abandonó el país por miedo a represalias.

978. *(n) Habida cuenta del escaso celo con que el Ministerio Público enjuicia los delitos cometidos por funcionarios públicos, debería estudiarse la posibilidad de establecer una procuraduría independiente encargada de esos enjuiciamientos, nombrada tal vez por el Congreso y responsable ante éste.*

979. Según ha sido informado el Relator Especial, el Gobierno de México no habría establecido una procuraduría independiente encargada de enjuiciar delitos cometidos por funcionarios públicos. Si bien algunos funcionarios han sido enjuiciados por delitos de tortura, su sentencia no habría sido cumplida plenamente. Por ejemplo, Arturo Durazo Moreno, director de la policía de Ciudad de México de 1976 a 1982 fue declarado culpable de tortura y homicidio pero solamente habría cumplido tres años de su condena. En vista de que no se habrían tomado medidas respeto a su propuesta, el Relator Especial recomienda que el Gobierno retire el monopolio actual que tiene el Ministerio Público en relación a la iniciación de las investigaciones penales.

980. *(o) Deben promulgarse leyes para que las víctimas puedan impugnar ante la magistratura la renuncia del Ministerio Público a incoar procedimientos en casos de derechos humanos.*

981. El amparo por no ejercicio de acción penal permite a las víctimas impugnar ante la magistratura la renuncia del Ministerio Público a iniciar procedimientos en casos de derechos humanos. Sin embargo el amparo resultaría inefectivo porque la magistratura no es del todo independiente. Son escasas las veces en que un juez ha revocado una decisión del Ministerio Público. Las víctimas también pueden impugnar directamente ante el Ministerio Público su propia renuncia a iniciar una investigación. Este recurso resultaría aún menos efectivo que el precedente, dado que la misma autoridad que ha decidido no iniciar un procedimiento es responsable de resolver la impugnación.

982. *(p) Debe establecerse un límite legal a la duración de las investigaciones de casos de derechos humanos, incluida la tortura, realizadas por las procuradurías, con independencia de que esas investigaciones obedezcan a recomendaciones hechas por una comisión de derechos humanos. La ley debería también prever sanciones cuando no se respeten esos plazos.*

983. El procedimiento penal mexicano establece que unos determinados crímenes, incluida la tortura, tienen un determinado plazo para ser perseguidos. Este plazo está calculado sumando el mínimo y el máximo de prisión sentenciados por el crimen y dividiendo el total por dos. Como resulta de esta medida, el Ministerio Público puede abrir una investigación y proceder lentamente de tal manera a que expire el límite de tiempo y el crimen deje de ser perseguido. Las investigaciones en derechos humanos no tienen límite temporal lo cual permite al Ministerio Público retardar su investigación hasta que pase el plazo de tiempo límite para sancionar un crimen como la tortura.

984. *(q) Deben adoptarse medidas para garantizar que las recomendaciones de comisiones de derechos humanos sean adecuadamente aplicadas por las autoridades a las que van dirigidas. Sería conveniente la participación a este respecto de la rama legislativa y ejecutiva a nivel nacional y estatal.*

985. No se han tomado medidas para garantizar que las recomendaciones de comisiones de derechos humanos sean adecuadamente aplicadas. En una reforma reciente de la CNDH, el Congreso Federal no aprobó una medida destinada a garantizar la aplicación de las recomendaciones de la CNDH. Sin embargo, el Relator Especial quisiera recordar que las acciones de la CNDH no tendrían que sustituir las investigaciones de las autoridades responsables de la administración de la justicia.

986. *(r) Deben realizarse esfuerzos para incrementar la conciencia entre el personal de las procuradurías y de la judicatura de que no debe tolerarse la tortura y que los responsables de ese delito deben ser sancionados.*

987. Según ha sido informado el Relator Especial, no se habría hecho ningún esfuerzo en este sentido. Ni los funcionarios del Ministerio Público ni los jueces son formados en normas y protecciones internacionales de los derechos humanos.

988. *(s) Deben investigarse a fondo los casos de amenazas e intimidación contra defensores de los derechos humanos.*

989. Según ha sido informado el Relator Especial, el Gobierno mexicano no investigaría plenamente los casos de amenazas e intimidaciones contra defensores de los derechos humanos. En ciertas ocasiones, el Gobierno habría estado implicado en tales intimidaciones. La CNDH tendría un programa especial sobre defensores de derechos humanos creado tres años atrás pero éste no sería lo suficientemente activo. Por ejemplo, según la información recibida, el 18 de agosto de 2000, aproximadamente 80 soldados del ejército mexicano habrían aparcado sus coches y un tanque delante de la casa de Hilda Navarrete Gorjón, directora de la Comisión de Derechos Humanos "Voz para los Sin-voz" en Coyuca de Benítez, Guerrero. Los soldados habrían apuntado el tanque y sus armas hacia la oficina. No sería la primera vez que Naverrete era amenazada y acosada por su labor en la defensa de los derechos humanos.

990. Finalmente, el Relator Especial notificó al Gobierno que agradecería recibir una lista de casos en los que la Ley federal para prevenir y sancionar la tortura habría sido aplicada. Tal lista tendría que incluir los nombres de los funcionarios sancionados por crimen de tortura así como las sanciones criminales y administrativas.

991. En relación al seguimiento de los casos presentados por el Relator Especial incluidos en el informe de la visita a México (E/CN.4/1998/38/Add.2, anexo), el Gobierno ha enviado la siguiente información.

992. **Valentín Carrillo Saldaña** fue detenido el 12 de octubre de 1996 en San Juan Nepomuceno, municipio de Guadalupe y Calvo, Estado de Chihuahua y su cadáver fue localizado el 17 de octubre de este mismo año (E/CN.4/1998/38/Add.2, anexo). El Gobierno de México informó de que se había iniciado un proceso penal ante la jurisdicción militar contra siete elementos del ejército presuntos responsables de su muerte. Finalmente se absolvió a los implicados, salvo a dos. Uno de ellos fue condenado a 1 año de prisión ordinaria y el segundo habría sido declarado culpable y responsable criminal por daño/violencia corporal seguido de muerte con premeditación y habría sido sentenciada a 30 años de prisión y a 10 años de exclusión del servicio militar. Esta persona no estaría en prisión, su sentencia todavía no habría sido aplicada y habría presentado una petición de amparo.

993. **Alberto Gómez García** fue detenido el 24 de mayo de 1997 en San Luis Río Colorado, Estado de Sonora por la Policía Judicial Federal. Habría sido trasladado al 23° regimiento de caballería de Mexicali, Baja California donde habría sido torturado por personal del ejército. Permaneció incomunicado durante 18 días. Se interpusieron quejas ante la CNDH y la Comisión Estatal de Derechos Humanos (CEDH) de Baja California y una denuncia ante el Ministerio Público que la remitió a la Fiscalía de delitos contra la salud (ibíd.). Dicho expediente estaría pendiente de determinar. Asimismo, el caso habría sido llevado ante la Comisión Interamericana de Derechos Humanos y estaría actualmente en una fase de recogida de información.

994. Andrés Tzompaxtle Tecpile, Luis Gonzaga Lara, Magencio Abad Keferino Domínguez, Abelino Tapia Marcos, José Santiago Carranza Rodríguez, Juna Leonor Bello, Leonardo Bardomiano Bautista, Martin Barrientos Cortés, Marcos Ignacio Felipe,

Bertín Matías Sixto, Juan Julián González Martínez y Faustino Martínez Basurto habrían sido detenidos y torturados por elementos del ejército mexicano y de las fuerzas de seguridad del Estado de Guerrero (ibíd.). Sus casos fueron incluidos en la recomendación 100/97 de la Comisión Nacional de Derechos Humanos enviada el 20 de octubre de 1997 al Procurador General de Justicia Militar. En esta recomendación se solicitaba al Procurador General de Justicia Militar el inicio de una investigación sobre cada uno de los casos. Tres años después de dicha recomendación, la investigación no habría avanzado y ningún soldado habría sido procesado.

995. **Teodoro Juárez Sánchez, Ramiro Jiménez Sonora, Lorenzo Adame del Rosario y Jerónimo Adame Benítez** habrían sido detenidos y torturados por elementos del ejército mexicano y de las fuerzas de seguridad del Estado de Guerrero (ibíd.). Sus casos fueron incluidos en la recomendación 96/97 de la Comisión Nacional de Derechos Humanos enviada el 10 de octubre de 1997 al Procurador General de Justicia Militar. En esta recomendación se solicitaba el inicio de una investigación sobre cada uno de los casos para determinar la responsabilidad de un teniente y miembro de la Policía Judicial Militar, un capitán y miembro de la Policía Judicial Militar y otros miembros del ejército implicados. Tres años después de la recomendación 96/97, la investigación no habría avanzado y ningún soldado habría sido procesado.

996. En relación a las conclusiones y recomendaciones incluidas en el informe del Relator Especial en su visita al país (ver E/CN.4/1998/38/Add.2, párrs. 86 y 88 j) y k)) acerca de la justicia militar y de la inmunidad a la justicia civil de la que parece gozar el personal militar, el Relator Especial ha recibido la siguiente información.

997. El personal militar seguiría siendo inmune a la justicia civil y generalmente estaría protegido por la justicia militar. La jurisdicción militar sobre la investigación y el proceso de militares implicados en abusos de los derechos humanos no garantizaría los derechos de imparcialidad y de acceso efectivo a la justicia. Los jueces y procuradores militares designados por el Ministro de Defensa carecerían de la independencia necesaria para investigar, sancionar y juzgar verdaderamente a los soldados que abusan de los derechos humanos. Los procuradores militares se negarían a investigar o sancionar a soldados. Además, las víctimas civiles no tendrían acceso al estado de las investigaciones sobre los implicados en los abusos de sus derechos humanos. Aunque las autoridades civiles abrieran investigaciones sobre supuestos abusos por parte de soldados, éstas se declararían de manera rutinaria incompetentes para llevar este tipo de caso y los entregarían a la jurisdicción militar.

998. Conforme al artículo 13 de la Constitución que estipula "cuando en un delito o falta del orden militar estuviese complicado un paisano, conocerá del caso la autoridad civil que corresponda", las autoridades civiles tendrían que ser responsables de la investigación y el proceso del personal militar implicado en abusos de derechos humanos contra civiles. Pero en la práctica, cuando soldados se ven implicados en abusos de los derechos humanos, la CNDH mandaría sus recomendaciones al Ministerio de Defensa. Entre 1990 y 1999, la CNDH habría transmitido 20 recomendaciones al Ministerio de Defensa en respuesta a denuncias de abusos de

derechos humanos, incluida la tortura. Entre 1993 y 1999, la CNDH habría transmitido ocho recomendaciones al Ministerio de Defensa concluyendo que miembros del cuerpo militar eran responsables de tortura. Pero a pesar de que el Ministerio de Defensa y la CNDH habrían proclamado el éxito de la implementación de tales recomendaciones, hasta la fecha ningún soldado u oficial acusado de tortura habría sido detenido o juzgado por dicho crimen.

999. Por otro lado, la CNDH consideraría que se cumple plena o parcialmente una recomendación cuando: después de una investigación el procurador militar decide no inculpar al presunto responsable; el procurador militar inculpa al presunto responsable pero el juez decide no emitir una orden de detención; se emite una orden de detención pero no se detiene al sospechoso; o cuando el juez militar decide no condenar o sentenciar al acusado. Estos criterios establecidos por la CNDH para determinar si se ha cumplido una recomendación serían demasiado laxos y facilitarían en gran medida la impunidad.

1000. El Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos con respecto a la justicia militar.

1001. El 16 de abril de 1999, durante una manifestación contra las barricadas militares en la comunidad de San Miguel, Chiapas, **Juan Álvarez**, menor de edad, habría sido golpeado en la cara con una piedra lanzada por un soldado. El golpe le habría causado un daño ocular permanente. El Ministerio Público Militar de la 39ª zona militar de Ocosingo, Chiapas, habría abierto una investigación sobre el incidente. La investigación habría podido llegar a una acusación contra el capitán comandante del convoy. Pero el agente del Ministerio Público Militar encargado de la investigación habría sido un teniente, es decir, que este agente hubiera tenido que investigar a uno de sus superiores.

1002. El Relator Especial ha recibido información sobre casos considerados de tortura con implicación de personal militar por la CNDH. Dicha Comisión habría transmitido recomendaciones sobre estos casos a la justicia militar. Aunque tales recomendaciones no se habrían cumplido completamente, la CNDH habría considerado lo contrario.

1003. El 18 de enero de 1996, **José Merced González Mariano** habría sido detenido ilegalmente por miembros de la inteligencia militar. Habría sido torturado e interrogado a propósito de tráfico de drogas. En su recomendación 31/97, la CNDH habría considerado que era un caso de tortura con responsabilidad militar. Se habría abierto una investigación criminal y administrativa pero el procurador militar no habría presentado inculpaciones y habría absuelto a los soldados implicados en la responsabilidad administrativa. La CNDH habría considerado que sus recomendaciones se habrían cumplido.

1004. El 14 de febrero de 1996, aproximadamente 25 soldados habrían torturado y amenazado a **Jesús Daniel Avalos Romero** y **José Rosario Pacheco Duarte**, interrogados a propósito de tráfico de drogas. En su recomendación 32/97, la CNDH habría concluido que era un caso de tortura con responsabilidad militar. Se habría abierto una investigación criminal y el procurador militar los inculpó de violencia contra las personas, un crimen menos grave que el de tortura. Con estas medidas, la CNDH habría considerado que sus recomendaciones se habrían cumplido.

1005. Durante 1996, **Abelardo Gasterlum Maldonado, Ignacio Ceballos Sarabia** e **Yvonne Aguilar Arce** habrían sido detenidos y/o torturados en varias ocasiones. En mayo de 1996, siete otras víctimas, incluidos **Feliciano Medina Cervantes** y **Ramón Oswaldo Cota Beltrán**, habrían sido detenidos por elementos de la 15ª zona militar de Guadalajara, Jalisco. En su recomendación 85/97, la CNDH habría concluido que era un caso de detención prolongada, tortura, malos tratos e informes médicos incoherentes, inexactos e incompletos con responsabilidad militar. Se habría abierto una investigación criminal y administrativa y la CNDH habría considerado sus recomendaciones cumplidas.

1006. El 24 de febrero de 1994, **Jorge Agustín Bustamante** y **David Tonintana Lazcari** habrían sido detenidos por hombres no identificados y transportados en un vehículo del Ministerio de Defensa. Les habrían robado y habrían sido torturados, amenazados e interrogados sobre asuntos políticos. En su recomendación 86/97 la CNDH habría considerado que era un caso de tortura con responsabilidad militar. Las órdenes de detención emitidas implicarían a un oficial pero éstas todavía no se habrían ejecutado.

1007. El 29 de marzo de 1996, **Oswaldo Gómez Contreras** habría sido detenido, mantenido incomunicado y torturado por miembros de la 5ª región militar de Guadalajara, Jalisco. En su resolución 87/97, la CNDH habría considerado que era un caso de tortura y confesión forzada con responsabilidad militar. Se habría iniciado una investigación, el procurador militar habría presentado inculpaciones y el juez militar habría emitido dos órdenes de detención por violencia contra las personas y tortura y una orden de detención por abuso de autoridad. Con estas medidas, la CNDH habría considerado que sus recomendaciones se habrían cumplido.

1008. Entre el 10 y el 14 de julio de 1996, **Teodoro Juárez Sánchez** y otras ocho personas fueron detenidas y torturadas y **Pablo Gaspar Jimón** y otras seis personas habrían sido detenidas y mantenidas incomunicadas por soldados con funciones antiinsurreccionales. En su recomendación 96/97 la CNDH habría considerado el caso de Teodoro Juárez Sánchez y otras ocho personas como un caso de tortura y de detención ilegal con responsabilidad militar y, el caso de Pablo Gaspar Jimón y seis otras personas como un caso de detención prolongada e incomunicación con responsabilidad militar. Se habrían iniciado investigaciones criminales y investigaciones administrativas estarían pendientes. La CNDH consideraría sus recomendaciones parcialmente cumplidas.

1009. La recomendación 100/97 de la CNDH cubriría 16 casos diferentes que tuvieron lugar en Guerrero: 10 casos de tortura, 4 de amenazas y 2 de desapariciones y consideraría tales casos como casos de detención arbitraria, tortura, amenazas, intimidación y desaparición con responsabilidad militar. Se habrían iniciado investigaciones criminales y la CNDH consideraría parcialmente aplicadas sus recomendaciones.

1010. El Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos individuales.

1011. **María Estela García Ramírez** habría padecido varios actos de intimidación desde la tortura y muerte de su esposo **Celerino Jiménez Almaraz** en abril de 1997, según informes, a manos de la policía judicial del Estado de Oaxaca. En particular, en enero de 2001, María Estela García Ramírez habría sido seguida por un desconocido que le habría arrojado una piedra.

1012. **Alfonso Martín del Campo Dodd** habría sido conducido por agentes de la Policía Judicial del Distrito Federal a la delegación de la Procuraduría de Justicia del Distrito Federal el 30 de mayo de 1992, tras hallarse muertos a su hermana y a su cuñado. El nombrado habría sido llevado a la oficina de un comandante donde una docena de agentes de la Policía Judicial le habrían colocado una bolsa de plástico en la cabeza para asfixiarlo y habría recibido patadas en los testículos y golpes en la cabeza, el estómago y el resto del cuerpo con las manos y con toallas húmedas. Después habría sido obligado a firmar y marcar con las huellas dactilares una confesión de los asesinatos ya redactada, y a participar en una reconstrucción de los hechos siguiendo el relato de su confesión bajo amenazas de ser nuevamente torturado. El 28 de mayo de 1993 fue condenado a 50 años de cárcel por el asesinato de su hermana y de su cuñado.

1013. **Antonio Santiz Gutiérrez**, indígena, habría sido atado y golpeado con la culata de una pistola por agentes de la seguridad pública en Ic'aitel, Chiapas, el 25 de mayo de 2000. Un convoy mixto compuesto por dichos agentes, miembros de la Procuraduría General de la República (PGR), un camión del ejército y autoridades de Chenalho habrían ido a Ic'aitel para arrestarle con motivo de la supuesta posesión de un arma robada que pertenecería a un miembro local de las fuerzas paramilitares protegido por las autoridades federales. El arma supuestamente robada no habría sido nunca encontrada.

1014. **Luis Ortiz Chagoya**, 17 años, habría sido detenido por agentes de la policía municipal el 4 de noviembre de 2000 en su localidad natal de Quiroga, Estado de Michoacán. Al día siguiente, habría sido conducido al Centro de Readaptación y Prevención Social de Patzuarco, donde un agente de policía lo habría golpeado e insultado. Más tarde, lo habrían llevado a una casa donde habría sido golpeado por dos agentes. A continuación, con los ojos vendados y las manos atadas detrás de su espalda, le habrían tapado la nariz y la boca impidiéndole respirar.

1015. **Luciano Rodríguez Linares**, un homosexual detenido en la prisión de Topo Chico, Estado de Nuevo León, habría sido sacado de su celda y golpeado el 7 de diciembre de 2000. Varios funcionarios del centro penitenciario, lo habrían sujetado en el suelo mientras otro habría introducido un dedo en su ano, haciéndole sangrar. Aunque los funcionarios habrían dicho estar buscando drogas, también lo habrían humillado verbalmente. Más tarde uno de los funcionarios le habría amenazado de muerte en el caso de que denunciara lo ocurrido.

1016. **Adrián Martín Gómez Pérez**, detenido en la prisión de Apodaca, Estado de Nuevo León, habría sido sacado de su celda y golpeado en el cuello y la cabeza el 13 de diciembre de 2000. Un guardia habría colocado una soga alrededor de su cuello, amenazando con estrangularle.

1017. **Pascual López Cruz**, un indígena, y **Mariano Cruz Montejo**, su hijo de 25 años, los dos vecinos del ejido El Zapote, Municipio de Salto de Agua, Chiapas, habrían sido detenidos por cinco policías municipales de Palenque, Chiapas, el 8 de mayo de 2001. Los nombrados, habrían sido golpeados antes de ser encarcelados y les habrían quitado el dinero.
A continuación, habrían sido obligados a firmar unos documentos en los cuales declaraban haber estado ebrios y haber golpeado a otra persona. Habrían sido privados de libertad durante las siguientes 24 horas, durante las cuales habrían sido nuevamente golpeados e insultados. Antes de ser puestos en libertad, habrían sido amenazados de muerte tras la consigna de que no denunciaran los hechos ante dependencia alguna.

1018. **Walter Daniel** habría sido golpeado por miembros de la Policía Judicial del Estado el 15 de junio de 2001, tras su participación en manifestaciones públicas organizadas en Chipancingo, Guerrero, por estudiantes de la Centenaria Escuela Normal del Estado "Ignacio Manuel Altomirano" y la Escuela Normal Rural "Raúl Isidro Burgos" de Ayotzinapa. Otras personas habrían sido detenidas y mantenidas incomunicadas, sin reconocimiento médico, asistencia jurídica ni ropa para vestirse y cubrirse.

Llamamientos urgentes y respuestas recibidos

1019. El 6 de junio de 2001, el Relator Especial envió un llamamiento urgente sobre **Luis Manuel Hernández**, **José Luis Castellanos** y **José Luis de la Torre**, tres jóvenes del municipio de Venustiano Carranza, Estado de Chiapas, quienes habrían sido detenidos por miembros de la policía judicial del Estado y de la policía municipal el 17 de mayo de 2001. Habrían sido conducidos al centro de detención de la policía de la ciudad, donde miembros de los dos cuerpos policiales les habrían obligado por la fuerza a confesar ante un procurador de la Procuraduría General del Estado (PGE). Los tres jóvenes habrían sido golpeados con culatas de pistolas y con porras. Los policías habrían colocado una bolsa de plástico sobre la cabeza de uno de ellos, sofocándolo. Luego habrían provocado quemaduras en la muñeca izquierda de esta misma persona con un mechero. Los tres jóvenes estarían en la prisión de Cerro Hueco, Estado de Chiapas, y se enfrentarían con diversas imputaciones criminales.

1020. Por carta de fecha 27 de agosto de 2001, el Gobierno respondió que la detención y consignación de los nombrados fue apegada a derecho y que de los certificados médicos resultó probada la integridad física de los detenidos. Por otro lado, el Gobierno señaló que, tanto la CNDH como la Comisión Estatal de Derechos Humanos de Chiapas, iniciaron expedientes de queja para analizar la situación de Luis Manuel Hernández, José Luis Castellanos y José Luis de la Torre, los cuales se encuentran en pleno trámite.

1021. El 12 de julio de 2001, el Relator Especial envió un llamamiento urgente conjuntamente con el Presidente-Relator del Grupo de Trabajo sobre la detención arbitraria de **Mario Coutiño Morales, Enrique Coutiño Morales, Alberto de Jesús Coutiño Morales, Leyver Coutiño Aguilar, Joel Alonso Coutiño de la Cruz, Walter David Coutiño de la Cruz, Luis Enrique Coutiño de la Cruz, Faustino Flores Bautista, Humberto Vásquez Moreno, Manuel de Jesús Vásquez Moreno e Ignacio del Carmen Vásquez Moreno** quienes fueron arrestados el 25 de junio de 2001 en sus domicilios, ubicados en la comunidad Plan de los Ángeles, durante un operativo realizado por miembros del ejército, de la Procuraduría General de la República (PGR), de la Policía Judicial del Estado (PGJE) y de la Policía de Seguridad Pública (PSP). Fueron conducidas a la ciudad de Tuxtla Guriérrez, donde, con la excepción de la tres primeras personas arriba mencionadas, fueron liberadas. Los hermanos Coutiño Álvarez estarían siendo presionados para firmar documentos inculpatorios como responsables del asesinato de ocho campesinos miembros del grupo paramilitar Alianza San Bartolomé de los Llanos ocurrido el 19 de abril de 2001.

1022. Por cartas de fechas 19 de septiembre y 9 de octubre de 2001, el Gobierno respondió que Mario, Enrique y Alberto de Jesús Coutiño se encuentran detenidos, sujetos a un proceso penal que se encuentra en etapa de instrucción. El Gobierno señaló que las actuaciones se realizaron en cumplimiento de un mandato judicial, y que no se violaron los derechos humanos y las garantías constitucionales de Mario, Enrique y Alberto de Jesús Coutiño. Asimismo, el Gobierno indicó que un representante de la Comisión Estatal de Derechos Humanos y dos notarios públicos presenciaron la puesta a disposición del Agente del Ministerio Público de los nombrados, quienes dieron fe de la transparencia y legalidad de tales actuaciones. Por su parte, la Comisión Estatal de Derechos Humanos de Chiapas inició un expediente de queja que se encuentra en etapa de integración.

1023. El 23 de julio de 2001, el Relator Especial envió un llamamiento urgente conjuntamente con la Representante Especial sobre los defensores de los derechos humanos sobre **Gerardo Cabrera González**, miembro de la Organización de Campesinos Ecologistas de la Sierra de Petetlán y Coyuca de Catalán (OCESP), una organización dedicada a la lucha en contra de la destrucción del bosque del Estado de Guerrero por caudillos locales que estarían protegidos por grupos militares o paramilitares. Habría sido arrestado el 14 de julio por el decimonoveno batallón de infantería del ejército mexicano en la comunidad de Banco Nuevo, ubicada en la municipalidad de Petetlán. Luego de su arresto habría sido conducido al cuartel de Petetlán y luego trasladado a la cárcel civil de Acapulco donde habría sido acusado de tener armas ilegalmente.

1024. Por carta de fecha 9 de noviembre de 2001, el Gobierno informó de que la Comisión Nacional de Derechos Humanos (CNDH) inició un expediente de queja con fecha 31 de julio de 2001 en el que aparecen como agraviados los habitantes de la comunidad El Rincón del Refugio y en el cual se está investigando el caso de Gerardo Cabrera González. Asimismo, el Gobierno señaló que dicho expediente se encuentra en trámite.

1025. El 31 de agosto de 2001, el Relator Especial envió un llamamiento urgente conjuntamente con la Representante Especial sobre los defensores de los derechos humanos sobre el **General José Francisco Gallardo Rodríguez**, quien habría sido detenido desde el 9 de noviembre de 1993, después de hacer pública su tesis en la que habría expresado la necesitad de crear un *Ombudsman* militar en México debido a las supuestas violaciones de los derechos humanos cometidas por miembros de las fuerzas armadas nacionales. Se habría acusado al general por los delitos de difamación, calumnias e injurias contra el instituto armado. En el consejo de guerra, el general habría sido sentenciado a 28 años de prisión y estaría cumpliendo su condena en la prisión de Neza-Bordo. El 28 de agosto de 2001 el General Gallardo habría sido trasladado a la celda de castigo dentro de la cárcel de Neza-Bordo donde se supone que las condiciones de detención serían crueles, inhumanas y degradantes. Este castigo estaría relacionado con un artículo publicado el 26 de agosto de 2001 en el periódico nacional, *El Universal*, en el cual se citaría al General Gallardo quien habría declarado que antes y después de su arresto en 1993, unidades de inteligencia militar habrían utilizado métodos ilegales en el marco de su campaña de hostigamiento en contra del general y de miembros de su familia. El General Gallardo habría beneficiado de una recomendación de la Comisión Interamericana de Derechos Humanos (CIDH) reconociendo que se violaron sus derechos a la libertad personal, a garantías judiciales, a protección a la honra, a la dignidad y a la protección judicial. Las recomendaciones de la CIDH habrían sido la libertad inmediata del General Gallardo, y la toma de medidas necesarias para que cese la campaña de persecución, difamación y hostigamiento en contra del general. Además, el Grupo de Trabajo sobre la Detención Arbitraria emitió una opinión en la cual reconoció que la privación de libertad del General Gallardo era ilegal.

1026. Por carta de fecha 30 de noviembre de 2001, el Gobierno indicó que el General José Francisco Gallardo fue procesado y sentenciado a 14 años de prisión, destitución e inhabilitación por 10 años por el delito de enriquecimiento ilícito y a 14 años y 8 meses de prisión, y destitución e inhabilitación por 10 años para ocupar un cargo en el ejército mexicano, en lo que hace al delito de destrucción de lo perteneciente al ejército y malversación. Ambas sentencias fueron confirmadas sin acumulación por los tribunales militares de apelación. Con fecha 19 de febrero de 2001, la defensa del detenido interpuso un recurso de amparo indirecto ante los tribunales federales, solicitando el cumplimiento de las recomendaciones emitidas por la Comisión Interamericana de Derechos Humanos (CIDH), en especial la que se refiere a la liberación del nombrado. El recurso de amparo fue admitido y el mismo se encuentra en estudio. Por su parte, el Gobierno indicó que ha participado en una audiencia general convocada por la CIDH, donde adoptó nuevos compromisos con el propósito de solucionar el caso de manera definitiva, y explicó las diversas opciones jurídicas exploradas hasta el momento con la finalidad de liberar al General José Francisco Gallardo. El 23 de julio de 2001, la CIDH dirigió una solicitud de información para determinar la procedencia de medidas cautelares en favor del nombrado con base en que fue cambiado de celda en el reclusorio de Neza de Bordo, lo cual se habría interpretado como una medida de castigo. Las autoridades penitenciarias autorizaron la reubicación del detenido, con el objeto de salvaguardar su seguridad e integridad física, lo cual se realizó con apego al marco normativo de sus atribuciones y con pleno respeto a los derechos fundamentales del general. El Gobierno informó de que con fecha 5 de noviembre de 2001 se enviaron oficios a las autoridades competentes para que se implementen las medidas cautelares solicitadas por la CIDH a favor del nombrado el 2 de noviembre de 2001 e informen sobre los avances en su ejecución. Por último el Gobierno señaló que en el presente caso existe una evidente falta de agotamiento de recursos internos de impartición de justicia.

1027. El 23 de octubre 2001, el Relator Especial envió un llamamiento urgente conjuntamente con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias y la Representante sobre los defensores de los derechos humanos sobre **Digna Ochoa y Plácido**, defensora de los derechos humanos y miembro del Centro de Derechos Humanos "Miguel Augustín Pro Juárez" (PRODH) en México. Habría sido encontrada muerta en un despacho de abogados en Ciudad de México el 19 de octubre de 2001. Los autores del crimen habrían dejado en el lugar de los hechos une amenaza de muerte dirigida contra el resto de los defensores de derechos humanos del centro "Miguel Augustín Pro Juárez", en particular **Bárbara Zamora** y **Pilar Noriega**, si continúan prestando sus servicios a dicha organización. Aunque las autoridades habrían proporcionado protección policial a Digna Ochoa y Plácido en 1999, no se habría sido capaz de investigar las agresiones y amenazas recibidas en 1999 de forma eficaz, creándose un clima de impunidad que habría desembocado en su asesinato y en nuevas amenazas, en esta ocasión contra sus colaboradores. El Relator Especial envió un llamamiento urgente con fecha de 10 de octubre de 2000 (ver E/CN.4/2001/66, párrs. 714 y 175) sobre el cual el Gobierno respondido por carta con fecha 3 de enero de 2001 (ver abajo). En el mismo día, una nota de prensa fue publicada en este caso.

1028. Por carta de 13 de noviembre de 2001, el Gobierno envió información detallada a este caso, en particular sobre la implementación de las medidas provisionales de la Corte Interamericana derivadas del homicidio de Digna Ochoa y Plácido, de las medidas cautelares decretadas por la Comisión Interamericana de Derechos Humanos con base en las amenazas dirigidas contra cinco defensores de los derechos humanos y sobre los avances reportados por la Procuraduría General de Justicia del Distrito Federal con respecto a la investigación de su homicidio.

Seguimiento de las comunicaciones transmitidas previamente

1029. Por cartas con fechas 13 de diciembre de 2000 y 9 de mayo de 2001, el Gobierno respondió al caso de Lino González Espinoza enviado en octubre de 2000 (E/CN.4/2001/66, párr. 712), el Gobierno informó de que la Comisión Nacional de Derechos Humanos (CNDH) con fecha 28 de octubre de 2000 decidió concluir dicho expediente por orientación por considerar que los hechos planteados se refieren a posibles conductas de carácter penal. Por otro lado, en su segunda carta el Gobierno señaló que Lino González Espinoza manifestó su deseo de dar por concluida su reclamación. No obstante, la CEDH de Michoacán al estudiar de oficio la probable existencia de actos de privación ilegal de la libertad y tortura, concluyó que no existían elementos que acreditaran violaciones a los derechos humanos. Por lo que hace a la tortura, tampoco se presentaron elementos que probaran este acto y sí por el contrario, pruebas que evidenciaron la falsedad de este hecho, como lo es el certificado médico expedido por la Dirección de Servicios Periciales de la Procuraduría General de Justicia del Estado de Michoacán. En virtud de lo anterior, el 28 de abril de 2000, se dictó acuerdo de archivo definitivo por desistimiento expreso de Lino González Espinoza.

1030. Por carta de fecha 13 de diciembre de 2000, el Gobierno respondió a los siguientes casos enviados en octubre de 2000 (ver E/CN.4/2001/66).

1031. Respecto al caso de los estudiantes huelguistas de la Universidad Nacional Autónoma de México (ibíd., párr. 716) sobre el cual el Gobierno respondió en diciembre de 2000 (E/CN.4/2001/66, párr. 717), el Gobierno informó de que la CNDH inició expediente de queja, resuelto durante el proceso y concluido el 18 de abril de 2000.

1032. Respecto al caso de Octavio Hernández Pacheco, Juana José José y Jaime Hernández Pacheco (ibíd., párr. 720), el Gobierno respondió que la CNDH inició un expediente de queja que se concluyó el 28 de julio del 2000 por acumulación. Dicho expediente se encuentra en integración en la Cuarta Visitaduría General.

1033. Respecto al caso de Andrés Enríquez Fernández y Octavio Enríquez Fernández (ibíd., párr. 720), el Gobierno informó de que el expediente iniciado por la CNDH se encuentra en trámite en la Cuarta Visitaduría General.

1034. Respecto al caso de Duro Bags Manufacturing (ibíd., párr. 721), la Procuraduría General de la República del Estado de Tamaulipas informó de que los hechos se iniciaron el domingo 18 de junio de 2000 cuando un grupo de personas bloqueó la puerta de acceso a la empresa Duro de Río Bravo, negando así la libre entrada y salida de personas y vehículos de la planta maquiladora, la cual no había sido emplazada a huelga o paro laboral, violando así la garantía de libertad de sus mismos compañeros trabajadores. El agente del Ministerio Público exhortó a las personas que desistieran de su actitud en dos ocasiones, y ante la negativa, en cumplimiento de las obligaciones que les impone la ley, solicitó la intervención de los elementos de la policía preventiva de la ciudad de Río Bravo y de la policía ministerial. Por tales motivos, se detuvo a siete hombres y dos mujeres. El Gobierno señaló que la detención fue llevada a cabo con respeto a la integridad física de los detenidos, por lo que no hubo violencia en absoluto, ya que las personas detenidas no opusieron resistencia. Las nueve personas detenidas fueron consignadas ante el juez competente, quien les otorgó la libertad mediante fianza el día 20 de junio. En virtud de lo expuesto, la Procuraduría concluyó en que las supuestas violaciones de derechos humanos en contra de trabajadores de la empresa son improcedentes por lo que se desmiente que agentes estatales hayan ejercido violencia contra empleados. El Gobierno informó de que la intervención de la autoridad, tanto policial como judicial, se ajustó estrictamente a la ley, no se ejerció en ningún momento la fuerza innecesaria, ni mucho menos violencia física en contra de los trabajadores, los que fueron sometidos a un procedimiento legal que culminó al desistirse la empresa ofendida.

1035. Por carta de fecha 3 de enero de 2001, el Gobierno respondió al caso de Digna Ochoa y Plácido enviado por el Relator Especial en octubre de 2000 (ver E/CN.4/2001/66, párr. 714) sobre el cual el Gobierno respondió en diciembre de 2000 (ibíd, párr. 715). El Gobierno informó de que la custodia de la Licenciada Digna Ochoa había sido interrumpida y reanudada de conformidad con las instrucciones recibidas del director del Centro de Derechos Humanos Miguel Agustín Pro-Juárez. Asimismo, el Gobierno señaló que el 23 de noviembre del 2000 la CNDH recibió de la Secretaría de Seguridad Pública del Distrito Federal copia de los códigos "Águila" que se efectúan en el Centro de Derechos Humanos Miguel Ángel Pro-Juárez, del 2 de agosto al 7 de noviembre del 2000, de los cuales se aprecia que no se han observado irregularidades en las actividades de dicho centro. Por otro lado, el Gobierno agregó que la Licenciada Digna Ochoa salió del país en el mes de septiembre del año 2000 e indicó que, por la necesidad de mantener en anonimato su paradero, no ha sido posible mantener contacto con ella (ver también arriba).

1036. Por carta de fecha 3 de enero de 2001, el Gobierno respondió a los siguientes casos enviados en noviembre de 1998 (ver E/CN.4/1999/61) y octubre de 1999 (ver E/CN.4/2000/9).

1037. Respecto al caso de Martín Barrientos Cortes enviado por el Relator Especial en noviembre de 1998 (ver E/CN.4/1999/61, párr. 476) sobre el cual el Gobierno respondió en diciembre de 2000 (ver E/CN.4/2001/66, párr. 737). La Procuraduría General de Justicia Militar informó de que de la indagatoria de mérito surge que en la fecha de los acontecimientos se llevó a cabo un operativo denominado "operación montaña", en coordinación con la policía judicial del Estado de Guerrero, sin embargo, no se encontraron datos de que el referido operativo se haya materializado en el poblado de Cucuyachi, municipio de Atoyac de Álvarez, ni en cuanto a la restricción de la libertad del nombrado. En virtud de lo anterior, y ante la falta de una línea de investigación para precisar a los probables responsables de la conducta ilícita en contra del aludido civil, con fecha 10 de noviembre de 2000 se determinó el archivo con la reserva de ley de la citada indagatoria.

1038. Respecto al caso de Esperanza Parra Batiz, Guadalupe Hernández, Rubén Barrios Méndez, Heraclio Blanco Sánchez y Víctor Alejandro Navarro de Lira (ver E/CN.4/2000/9, párr. 740), el Gobierno informó de que con fecha 19 de diciembre de 1998 se dio inicio a la averiguación previa en el Distrito Ministerial de Fresnillo, Zacatecas, por los delitos de abuso de autoridad y lesiones, cometidos en perjuicio de los nombrados. La Procuraduría General indicó que no se ha logrado dar con el paradero de las personas presuntamente agraviadas, ni éstas han dado muestra de interés alguno, ni se han presentado ante las autoridades correspondientes.

1039. Por carta de fecha 6 de marzo de 2001, el Gobierno respondió a un llamamiento urgente enviado en noviembre de 2000 respecto al caso de Héctor Pérez Córdova (ver E/CN.4/2001/66, párr. 729), sobre el cual el Gobierno respondió en diciembre de 2000 (ibíd., párr. 730). La Comisión de Derechos Humanos del Estado de Nuevo León indicó que si bien tenía constancia de haber recibido una denuncia, en la misma no se formuló queja alguna relativa a la privación de alimentos y medicamentos durante el cumplimiento de la sanción que le fue impuesta a Héctor Pérez Córdova. Por otro lado, la Comisión constató la existencia de recibos firmados por el nombrado, en los que se acredita la entrega periódica de los medicamentos requeridos.

1040. Por carta de fecha 6 de marzo de 2001, el Gobierno respondió a un llamamiento urgente enviado en noviembre de 2000 sobre Remedios Alonso Vargas, Iríneo y Luciano Mederos Alonso (ibíd., párr. 731). El Gobierno señaló que el proceso penal seguido contra los nombrados se encontraba en la etapa de desahogo de pruebas. Por su parte, la CNDH señaló que Remedios Alonso y sus hijos presentaron una queja ante la Comisión de Defensa de los Derechos Humanos de Guerrero (CODDEHUM), en la que argumentaron que la Policía Judicial del Estado los había detenido en forma ilegal y torturado físicamente. De la investigación realizada por la CODDEHUM en el expediente se concluyó que no existen elementos suficientes para corroborar lo dicho por los denunciantes. Por otro lado, se tramita ante la CNDH un recurso de impugnación presentado por las tres personas motivo de esta nota.

1041. Por carta de fecha 6 de marzo de 2001, el Gobierno respondió a un llamamiento urgente enviado en julio de 2000 sobre Benito Almaraz Enríquez, Jordán Almaraz Silva, Arnulfo Almaraz Valencia, Eleno Hernández Almaraz, Genaro López Ruiz, José Pacheco Contreras, Guillermo Pacheco Pacheco, Silvano Pacheco Pacheco y Agustín Pacheco Hernández (ibíd., párr. 727) sobre el cual el Gobierno había informado en diciembre de 2000 (ibíd., párr. 728). La Procuraduría General de Justicia del Estado señaló que tanto Benito Almaraz Enríquez como Juan Sosa Maldonado han sido sobreseídos en las causas seguidas en su contra por el delito de homicidio calificado el primero, y por los delitos de homicidio calificado, lesiones calificadas y daño en propiedad ajena, el segundo. Por otro lado, el Gobierno informó de que ante el Juzgado Primero del Distrito en Materia de Procesos Penales Federales con sede en Toluca, Estado de México, se siguió causa penal contra Benito Almaraz Enríquez, Juan Sosa Maldonado, Arnulfo Almaraz García, Genaro López Ruiz, José Pacheco Contreras, Guillermo Pacheco Pacheco y Silvano Pacheco Pacheco y otras, como probables responsables por los delitos de homicidio calificado, lesiones calificadas, daño en propiedad ajena, privación ilegal de la libertad, robo, robo de uso, tentativa de homicidio, acopio de armas, terrorismo, sabotaje, conspiración y asociación delictuosa. Que por sentencia definitiva se declaró culpables y penalmente responsables a Benito Almaraz Enríquez, Jordán Almaraz Silva y Heleno Hernández Almaraz, por la comisión de los delitos de homicidio simple intencional, tentativa de homicidio y terrorismo y en consecuencia se les impuso una pena de 15 años y 4 meses de prisión y el pago de la reparación del daño. Por la misma resolución, se absolvió a Guillermo Pacheco Pacheco, Genaro López Ruiz, José Pacheco Contreras y Silvano Pacheco Pacheco, en relación con la comisión de los delitos mencionados. Por último, el Gobierno señaló que el proceso seguido contra Benito Almaraz Enríquez se encontraba en etapa de instrucción.

1042. Por cartas con fechas 8, 28 de mayo y 30 de noviembre de 2001, el Gobierno respondió a un llamamiento urgente enviado en noviembre de 1999 sobre Jacobo Silva Nogales, Felicitas Padilla Nava, Gloria Arena Agis y Fernando Gatica Chino (ver E/CN.4/2000/9, párr. 755) sobre el cual el Gobierno informó en septiembre de 2000 (ver E/CN.4/2001/66, párr. 746). El Gobierno indicó que la causa seguida contra Jacobo Silva Nogales y Gloria Arena Agis, Felicitas Padilla Nava y Fernando Gatica Chino, por los delitos de acopio de armas de fuego del uso exclusivo del ejército, armada y fuerza aérea; y posesión de cartuchos del uso exclusivo del ejército, armada y fuerza aérea, se encuentra en período de instrucción. Asimismo, el Gobierno señaló que la Comisión Nacional de Derechos Humanos (CNDH) inició diversos expedientes de queja, entre los que se encuentra el relativo a la prohibición de acceso a visitas familiares y conyugales en el cual decidió con fecha de 28 de septiembre de 2000 dar por satisfecha la queja, toda vez que se comprobó que los agraviados fueron reubicados y disfrutan de los mismos derechos que los demás internos. Por otro lado, la CNDH abrió el 16 de junio de 2000 expediente en contra de las revisiones realizadas a familiares de los agraviados por parte de personal del CEFERESO No. 1. La Tercera Visitaduría realizó una investigación y concluyó este expediente hasta que se contaran con nuevos elementos de información. Por último, el Gobierno informó de que se encontraba en trámite el expediente de queja abierto el 9 de enero de 2001 en virtud de que la petición de la visita conyugal no fue autorizada. Por su parte, la Comisión Estatal de Derechos Humanos de Guerrero, tramitó el expediente relacionado con el caso de Jacobo Silva Nogales, Gloria Arenas Agis, Fernando Gatica Chino y Felicitas Padilla Nava, en el cual se investigaron las violaciones de derechos humanos de los menores Berenice, Judith, David, Elizabeth y Celina Gatica Padilla y María del Carmen Verdis Reyes, el cual derivó en la recomendación 012/2000 dictada por la Comisión de Defensa de los Derechos Humanos del Estado de Guerrero. Dicha entidad advirtió que el derecho a la libertad y seguridad de los menores mencionados resultaron vulnerados y, como consecuencia, procedió a formular una serie de recomendaciones dirigidas al Procurador General de Justicia del Estado.

1043. Por carta de fecha 24 de agosto de 2001, el Gobierno respondió al caso de Rodolfo Montiel Flores y Teodoro Cabrera García enviado por el Relator Especial en octubre de 2000 (ibíd., párr. 718) sobre el cual el Gobierno respondió en diciembre de 2000 (ibíd, párr. 719), el Gobierno indicó que con fecha 26 de octubre de 2000 se dictó sentencia condenatoria contra los nombrados. Con fecha 22 de marzo de 2001, la defensa de los inculpados interpuso juicio de amparo directo contra la sentencia emitida por el Juez Quinto de Distrito y los actos del Magistrado del Primer Tribunal Unitario del Vigésimo Primer Circuito. El Gobierno señaló que el 9 de mayo se concedió a los interesados el amparo y protección de la justicia federal, para el efecto que se admitiera y valorara como prueba un certificado médico, de modo que este fuera considerado por el juez competente como prueba fehaciente de que las personas de que se trata

habían sido víctimas de tortura. Así las cosas, el Juez de Distrito recibió el expediente y se está en espera de la sentencia correspondiente. Por carta de fecha 13 de noviembre de 2001, el Gobierno indicó que con fecha 8 de noviembre de 2001 el Presidente de México dictó las medidas necesarias para la excarcelación de los nombrados, la cual fue ejecutada por las autoridades competentes.

Morocco

1044. Par une lettre datée du 21 septembre 2001, le Rapporteur spécial a rappelé au Gouvernement un certain nombre de cas envoyés en 1996 et à propos desquels il n'avait pas reçu de réponse.

Suite donnée aux plaintes signalées dans des communications précédentes

1045. Par une lettre datée du 3 mai 2001, le Gouvernement a fourni des renseignements supplémentaires concernant Hamid Mountassir (voir E/CN.4/2001/66, par. 759 à 760). Il a confirmé qu'une plainte pour tortures avait été déposée par son père et qu'une enquête avait été ouverte. L'inexistence de traces de torture avait été confirmée par le médecin chef de l'hôpital Mohamed V d'Azemmour. Une inflammation au pied avait toutefois été signalée par un autre médecin à Casablanca. Son oncle, qui avait été présent lors de toutes les étapes de l'enquête, avait déclaré ne pas avoir constaté de violences de la part des agents de police. Le Ministère de la justice avait finalement requis le Procureur du Roi de la Cour d'appel d'El Jadida d'effectuer une enquête en personne. Le Gouvernement a indiqué que cette enquête suivait son cours. Par une lettre datée du 19 juin 2001, le Gouvernement a informé le Rapporteur spécial qu'Hamid Mountassir avait été condamné par la Chambre pénale de la Cour d'appel d'El Jadida à six ans de prison ferme pour le meurtre avec préméditation de son ami, affaire pour laquelle il avait été initialement interrogé. Ledit jugement fait l'objet d'un recours en cassation.

1046. Par une lettre datée du 20 septembre 2001, le Gouvernement a répondu à un appel urgent envoyé le 23 octobre 2000 par le Rapporteur spécial (voir E/CN.4/2001/66, par. 775). Il a indiqué que huit personnes avaient été arrêtées par les forces armées royales le 5 octobre 2000 près de Oued Taâlalet et remises à la gendarmerie royale aux fins de l'enquête au cours de laquelle elles avaient toutes reconnues avoir volé une voiture dans le but d'immigrer clandestinement en Mauritanie. Ces personnes ont été condamnées par le Tribunal de première instance de Laâyoune à quatre mois de prison ferme et à une amende de 500 dirhams. Concernant les allégations de tortures, le Gouvernement a souligné qu'il n'existait dans le dossier des intéressées aucun élément attestant qu'une quelconque torture ait été pratiquée à leur égard. Il a, par ailleurs, précisé qu'aucune plainte n'a été déposée à ce sujet.

Myanmar

1047. By letter dated 24 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1048. **Sai Pan-Nya**, a taxi driver, was reportedly severely beaten by three soldiers of the State Peace and Development Council (SPDC) from the Light Infantry Battalion (LIB) 359 on 8 October 2000 at Kawng Mon village, Ta-Khi-Leak township when he refused to take them to TA Lur because a sick villager needed to be transferred to hospital. Sai Pan-Nya is believed to have been injured and to have required two stitches to the head.

1049. **Na-Ling**, **Sai Taw**, **Loong Na** and **Sang Ti**, all from Murng Kaed village, Ta-Khi-Laek township, were reportedly arrested by SPDC troops from LIB 529 on 13 October 1998 and beaten on suspicion of having given information to the Shan resistence.

1050. **Zit-Ta**, the headman of Nawng Pha village, in Murng-Nai township, was reportedly subjected to torture on 18 October 1998 by SPDC troops who were looking for members of the Shan State Army (SSA). When Zit-Ta did not answer, the SPDC commander allegedly ordered his troops to cut his arms, beat him and tie him to a tree while they interrogated his family and stole valuables from his house. Villagers were reportedly ordered to move to Ton Hoong village, in Murng-Nai township, within three days.

1051. **Sai Zan**, **Zit-Ta** and **Pan-Nya** were reportedly severely beaten by SPDC troops from company No. 2 of LIB 328 on 29 October 1998 when fishing near Wan Tap, Murng-Yarng township, and accused of intending to set traps.

1052. **Loong Nyo**, from Kung Lom village, Kun Mong tract, Murng-Nai township, was severely beaten by SPDC troops of LIB 44 from Kun-Hing in early December 1998, resulting in a broken arm, a fractured skull and brain damage.

1053. **Kya Hi**, the Lahu headman of Yan Shin village in Murng Ko tract, Ta-Khi-laek township, was severely beaten by SPDC troops from LIB 526 on 6 April 1999, who had demanded that he gather 15 labourers to clear the bushes in the compound of the military base. When he refused, he was reportedly beaten with rifle butts, resulting in a head injury requiring seven stitches.

1054. **Sai Kam** and **Sai Thai**, both from Saw Kong village, Murng Phong tract, were reportedly arrested and beaten by SPDC troops from LIB 526 on 21 April 1999, accused of recruiting new soldiers for the Shan State Army - East (SSA-E). Both reportedly suffered serious wounds on the head and body. They were allegedly subsequently released and transferred to a hospital in Mai Sai town in Thailand.

1055. **Loong Maha Zai**, **Loong Lai Seng**, **Zai Nyunt** and **Zai Mala** were reportedly arrested on 4 May 1999 by SPDC troops from LIB 55 and taken to their military base in Lai-Kha, accused of belonging to the SSA. They were reportedly tied up, interrogated and beaten. On the following day, they were reportedly ordered to pay a fine of 12,000 kyat each or to serve a six-month prison term.

1056. **Me Thao Kham Leng**, a 70-year-old woman living in Kawng Saang village, Lai-Kha township, was reportedly subjected to ill-treatment by eight SPDC troops from LIB 64 at her house on 4 May 1999. During interrogation about her son, some soldiers reportedly set fire to her sarong, causing severe burns on her thighs, and stole valuables from her house.

1057. **Sai Nya-Na** and his wife, **Naang Man**, were reportedly arrested and beaten by SPDC troops of LIB 332 at their military base in Murng-Pan township on 15 May 1999. Sai Nya-Na is alleged to have lost consciousness five times during the beating and Naang Man was allegedly forced to watch. He is reported to have since been detained in the military base.

1058. **Kaw-Na**, **Ma-La**, **Khat-Ti-Ya**, **Kun-Na**, **Zaai Taeng** and **Zaai Suay**, aged 16, were reportedly arrested on 17 May 1999 by SPDC troops from LIB 515 on suspicion of providing rice to Shan soldiers, taken to the SPDC military base in Lai-Kha, and beaten until some of them allegedly lost consciousness. They were allegedly forced to pay 5,000 kyat for their release.

1059. **Aai Lawt**, **Aai Wong** and **Aai Zang** were reportedly arrested by SPDC troops from LIB 334 on 26 May 1999 at Kaeng Khaang village, Murng Yawng township, suspected of knowing that members of the Mong Tai Army (MTA) had hidden their arms in the area. When they denied any knowledge, the three villagers were allegedly severely beaten, as a result of which Aai Lawt suffered a sprained wrist, arm and leg, Aai Wong a sprained wrist and leg and Aai Zang a sprained leg and arm, and cuts requiring stitches.

1060. **Sai Waat**, **Sai Kam**, **Sai Kaw**, **Sai Leng**, **Sai Saw** and **Sai Pi** were reportedly arrested by SPDC troops from LIB 221 on 29 May 1999 in Murng Haai Tai village, Mung-Phyak township, and instructed to become informers for the SPDC, but they refused. They were allegedly made to kneel in line at gunpoint, and were beaten 20 times with a cane.

1061. **Sai Pan** was reportedly beaten and kicked by a lieutenant from LIB 659 in Ta-Khi-Laek on 1 June 1999, allegedly for failing to sell drugs to him. As a result, he is believed to have sustained bruises all over his body and to have lost three teeth.

1062. **Aa Kyuay**, the headman of a the Lahu village Wan Li Za in Ta-Khi-Leak township, was reportedly beaten by a soldier from LIB 330 on 6 June 1999 in his village, after he could only supply them with two chickens instead of six. He reportedly received medical attention at a hospital in Mae Sai, in Thailand.

1063. **Loong Pan-Nyaa**, the headman of Sen Zerm village, Kaeng Tung, was reportedly kicked by members from LIB 244 on 27 June 1999, as he did not gather women of his village to entertain the soldiers.

1064. **Zaai Sing Kham**, **Zaai Kam** and **Zaai Kan-Ta** were reportedly beaten by troops from LIB 333 on 5 September 1999 at Murng Ing village, Murng-Start township, accused of secretly collecting information on the troops' activities for the SSA. They reportedly lost consciousness during the beating.

1065. **Naang Phiu-Phang** was reportedly beaten and kicked by SPDC troops on 17 October 1999 at her house in Paeng Saang village, Murng-Paeng township. Some hours before, two soldiers had allegedly been beaten by villagers when trying to steal valuables at her father's house. It is reported that the troop commander subsequently ordered Naang Phiu-Phang's father, Loong Zaai Pi, to be punished.

1066. **Ar Pe**, **Ar Mi**, aged 16, **Pu Pur** and **Ar Lu,** all villagers from Sarm Pi, Ta-Khi-Laek township, were reportedly beaten by SPDC troops on 19 October 1999. After having bought food in Thailand, the soldiers allegedly seized it and beat them five times with a stick.

1067. **Zaai In Phya**, **Zaai Ya** and **Zaai Leng** were reportedly arrested by troops from LIB 226 on 1 November 1999, when the troops came to their village, Wan Lawn, Murng Khawn tract, Kaeng-Tung township. The three villagers are said to have been beaten while interrogated about SSA-E and released after other villagers paid 30,000 kyat.

1068. **Zaai La**, **Zaai Pan** and **Zaai Long Laen** were reportedly arrested by troops from LIB 333 on 23 March 2000, at Kawng Mu village, Murng Tawm tract, Murng-Phyak township, accused of being secret intelligence agents of SSA-E, and taken to the village Buddhist temple, where they were allegedly interrogated for nine hours. They were reportedly beaten with rifle butts, kicked and had their testicles squeezed. They allegedly lost consciousness several times. They reportedly had to pay 3,000 kyat for their release. Unable to walk, were carried back to their houses by other villagers.

1069. **Pu Sen Zala**, **Loong Za Wi**, **Loong PaPae**, **Loong Lee Lo** and **Loong Zalu** were reportedly arrested by troops from LIB 227 on 26 March 2000, at Kham Tee village, Murng-Khark township, and subsequently taken to Wan Tap village. There, they are believed to have been interrogated and beaten on suspicion of helping the "Wa"group in trafficking in amphetamines. As a result of the beating, Pu Sen Zala suffered a fractured head, Loong Za Wi, a sprained wrist and Loong Pa Pae and Loong Zalu, sprained legs.

1070. **Ai Zaen** was among seven Paluang male villagers of Wan En forcibly taken as porters by troops from LIB 527 in Murng-Sart township on 1 April 2000. He was reportedly punched in the eye by the patrol commander who accused him of having deliberately led them through a difficult route.

1071. **Aa To** was among six Akha villagers who were reportedly arrested by troops from LIB 331 on 10 April 2000 at Huay Sa village in Murng Hai tract, Ta-Khi-Laek township, accused of being intelligence agents of SSA-E, and severely beaten, kicked and struck with rifle butts. As a result, they are believed to have sustained severe injuries, including fractured skulls and bruises all over the body.

1072. **Ai Saam** and **Ai Kawng** were among villagers reportedly taken on 12 April 2000 from Yaang Kham, Wan Nawng and Waeng villages in Murng-Sart township by troops from LIB 527 to serve as porters. Both were repeatedly beaten and kicked and, as a result, suffered from bruises all over their bodies.

1073. About **16 youth members of the National League for Democracy** (NDL) were reportedly beaten up by security personnel on 2 September 2000 when they tried to attend a meeting with Aung San Suu Kyi, NDL Secretary-General. They had reportedly been stopped by security forces on 24 August as they left Yangon for a meeting 30 miles away, refused to turn back, and to have stayed by the roadside in the Yangon suburb of Dallah for nine days. The group was allegedly removed by force by some 200 riot police and transferred to Insein prison, Yangon, where they are believed to have received no medical attention.

1074. **Nang Sa** (f) was reportedly raped and killed by a captain from LIB 424 on 10 December 1998 near her home just outside Nawng Kaw village, Kae-See township. She reportedly was threatened with a pistol, raped, then hit in the head with a heavy stick and killed. Her necklace and money were taken. On 11 December 1998, the headman of the village, **Loong Kang Law**, reportedly complained about the rape and killing to the town community leader. Two days later, he was reportedly arrested by the same captain and his troops, tied to a house pillar, interrogated, and beaten to death. Hot water was allegedly also poured down his throat.

1075. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1996, 1997, 1998 and 2000 regarding which no reply had been received.

1076. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1077. **Three young women**, two minors and **Naang Zing Mya**, originally from Wan Paang village, Nam-Zarng township, were reportedly gang-raped by troops from LIB 247 company 4 at a farm 3.5 miles from the town, on 24 May 1999. A patrol of about 50 troops reportedly asked the women where their men were; when they answered that they had been taken by troops to serve as porters, a commander reportedly took one of the minors into a nearby farm building, raped her and slapped her until she had bruises all over her face. The other two women were allegedly gang-raped several times. Naang Zing Mya was reportedly shot dead when she tried to run away, and the two others were subsequently severely beaten.

1078. **Pa Poi**, **Naang Awng**, **Naang Mawn** and **Pa Loi Pe** were reportedly arrested on 30 October 1999 by troops from LIB 514 and accused of having provided rice for the Shan rebels. They were reportedly taken to a deserted village west of Murng-Kerng town, gang-raped for one night and killed the following morning.

1079. **Naang Ong**, **Naang Thun Nae** and **Naang Paan Yaen** were reportedly arrested by troops from LIB 514 company 3 in late March 2000, 2.5 miles south of Kae-See town, Kae-See township, accused of being the wives of Shan rebels. They were tied up and interrogated about their husbands' whereabouts. The youngest woman was reportedly taken away by the patrol commander, who is said to have raped her, while the other two were raped by two officers. The next day, the two women were allegedly handed over to the remaining 30 soldiers who reportedly gang-raped them and subsequently killed them.

1080. **Naang Muay Phawng**, **Naang Zaan Pao**, **Naang Htun Nae**, **Naang Khur Wan**, **Naang Laao Sai** and **Naang Seng Hurn**, aged 16, all displaced women, were reportedly arrested by troops from LIB 248 in late May 2000 near the Kun-Hing-Murng-Paeng road between Ka Li village relocation site and Kun-Hing town, Kun-Hing township, raped by about 60 soldiers and subsequently shot dead.

1081. **Nang Kawng Tip**, a 17-year-old girl from Murng In village, Murng Poo tract, Murng Start township, was reportedly raped and killed by seven SPDC troops from LIB 527 on 13 April 1999, on the banks of the Nam In stream in the vicinity of the village.

1082. **Sai Nu**, **Sai Zitta**, **Sai Nya-Lintta**, **Maamg Nguay** (f) and **Naanf Lern** (f), aged 17, were reportedly arrested by troops from LIB 102 company 2 on 11 January 2000 on the banks of the Nam Paang river in Kun-Hing township, interrogated about the whereabouts of Shan soldiers in the area and beaten to death. The two women are reported to have been taken with the troops for two days and two nights during which they are believed to have been repeatedly raped and subsequently shot dead.

1083. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1084. **Nang Kya Non** (f) from Kaeng Lom village was reportedly gang-raped by soldiers from LIB 246 on 27 and 28 September 1998 near her farm 2.5 miles from Kun-Hing town. They reportedly took turns until daybreak, and threatened to shoot her if she made any noise.

1085. **Nang Lam**, a seven months pregnant woman, was reportedly beaten to death and her sister, **Nang Zu**, beaten, raped and robbed by troops of LIB 22 at a farm three miles south of Mark Mong Pawk village relocation site in Nam-Zarng township on 14 October 1998. Nang Zu was allegedly transferred to hospital for treatment of her head wound. When she explained what had happened, the medical personnel reportedly told her to say that she was hit in the head by a falling branch. She is believed to have fled to Thailand two or three days later.

1086. **Pa Murng Awn**, **Pa Long**, **Naang Zaam**, **Naang Mo Khur** and their respective husbands were reportedly arrested by a patrol of troops from LIB 514 on 22 May 1999. They are reported to have been detained in the lockup of the military camp in Kae-See town, where the women are believed to have been repeatedly raped for three consecutive nights by a captain and three other officers. The eight were allegedly released only when their relatives paid 10,000 kyat, and fled to Thailand on 11 June 1999.

1087. **Naang Noot** was reportedly threatened with a gun and raped by an officer from LIB 227 in Murng-Phyak on 18 September 1999 when she was fishing close to Wan Tap village, Murng Nung tract, Murng-Khak township. Fearing reprisals, she reportedly did not officially complain about the rape.

1088. **Naang Mawn Zing**, aged 17, and **Naang Lam Poi**, both schoolgirls from Lai-Kha, were reportedly arrested by soldiers in early October 1999 when attending a school meeting during which they asked about alleged human rights violations committed by soldiers. They were reportedly taken to LIB 515 base, where they were raped for four days and nights. Their parents were allegedly ordered to pay 15,000 kyat for the release of each of them.

1089. **Naang**, a 16-year-old girl, was reportedly gang-raped at gunpoint by three soldiers from LIB 279, including a sergeant, on 12 January 2000, on the bank of Nam Yarng stream near Ter Laat village, in Murng-Yarng township.

1090. **Naang (Zang)** and **Naang (Nawt)**, aged 17, were reportedly raped along the banks of Nam Yaang steam some distance from their village on 6 March 2000 by troops from LIB 314 near Yaang Khum Mu village, Nawng Kwaang tract, Kaeng-Tung township.

1091. **Naang (Mya Tawng)**, a displaced Shan woman, was allegedly raped at gunpoint on 29 March 2000 by the commander of LIB 529 Company 4, stationed at Naa Kawng Mu. The officer is also alleged to have threatened to imprison the village leaders who wanted to complain about the rape.

1092. **Pa Wai**, originally from Kun Pu village, Kun Pu tract, **Naang Thawn**, from Naa Mawn village, Nawng Hai tract, **Naang Thun Nae**, from Naa Mawn village, Nawng Hai tract, and **Naang Ing**, aged 9, from Naa Mawn village, Nawng Hai tract, were allegedly raped by troops from LIB 246 based at Kun-Hing township. They were reportedly arrested in late April 2000 and repeatedly raped for five days and four nights by the soldiers.

1093. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1094. Seven men, including **Zalae Yaao**, **Loong Sai** and **Saang Kaw Lam**, relocated to Kho Lam village relocation site in Nam Zarng township, were reportedly beaten to death by troops of LIB 247 on 27 May 1999 for failing to provide forced labour on a road-building project from Kho Lam in Nam Zarng township to Wan Zing in Kae-See township.

1095. **Sai Wi-Ling**, **Sai-Kaw-Wi**, **Sai Pan-ti**, **Sai Khae-Min-Da**, **Sai Lao Wan**, **Sai Lu**, **Naang Ae Nawng** (f) and **Naang Leng**, a 17-year-old girl, all villagers from Wan Mai Kawng Saang and Wan Paang villages, Lai-Kha township, were reportedly tied up and beaten to death on 15 May 1999 by troops from LIB 513 at a farm located at Ho Khaai Nawng Kuen. The soldiers accused them of being agents of the Shan resistance.

1096. **Ai Phom-Ma** and **Ai Lao,** both from Murng He village, Murng-Yawng township, were reportedly arrested by troops from LIB 334 on 29 April 1999, while fishing in Nam He stream with four other villagers. The six were reportedly interrogated and beaten for several hours and subsequently tied to trees and left. All of them are said to have suffered fractured skulls and numerous bruises and wounds. Six days later, the two above-named persons reportedly died as a result of the ill-treatment.

1097. **Put Sit Ta**, the headman of Nam Tarng village, reportedly died in August 1999 as a result of the beating he was subjected to by soldiers because he refused to be relocated.

1098. **Zaai Hong**, aged 17, **Zaai Kan**, **Zaai Pheo** and **Zaai Laa** were reportedly surrounded by about 30 SPDC troops in November 1999 in a rice paddy at Murng Sen village in Murng-Sart township, accused of being soldiers of SSA-E, and subsequently interrogated and beaten unconscious. Zaai Hong reportedly died on the spot as a result of the ill-treatment. The troops allegedly left them lying in the paddy. The three survivors are believed not to have gone to hospital as they feared reprisals.

1099. **Lun Su**, a farmer from Na Kang Mu village, was reportedly seized by Unit 519 on 23 February 2000, severely beaten and, as a result, died one hour later. The incident is reported to have taken place in front of General Khin Nyunt, SPDC Secretary 1.

Urgent appeals

1100. On 26 March 2001, the Special Rapporteur sent an urgent appeal on behalf of **U Tin Htun**, a Papendan township member of the NDL, who was reportedly arrested in 1993 on charges of possessing and distributing illegal political journals and having contact with exiled opposition groups. He was serving a 20-year prison sentence at Thayet prison in northern Myanmar where, despite his alleged health problems, he is said to be denied medical attention for hypertension, heart disease and mental problems. In 1999 he was allegedly transferred from Thayawaddy prison to Insein prison because of poor health and in June 2000 he was reportedly transferred to Thayet prison, where his health is believed to continue to deteriorate seriously.

1101. On 27 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Pastor Gracy**, the minister of Rinpi Baptist Church in central Chin State, who is of Chin origin and who had reportedly been sentenced to two years' hard labour on 6 July by a court in Haka, the capital of Chin State, after being found guilty of having provided accommodation to the Chin National Front (CNF), a Chin armed opposition group fighting the central Myanmar Government. She had reportedly been in poor health since May 2001 and had been transferred to Mawlaik-Kalay Akhin Htawng labour camp near Kalaymyo in Sagaing Division where conditions were said to be particularly severe.

Follow-up to previously transmitted communications

1102. Concerning Daw San San Nwe (E/CN.4/2001/66, para. 781), the Government responded by letter dated 14 March 2001 that activities carried out by Daw San San Nwe were tantamount to subversion, and stated that torture and ill-treatment were illegal in Myanmar. The Government indicated that she wrote anti-Government articles, news comments and false allegations against the Government and tried to dispatch them to foreign news agencies. She also communicated with anti-Government groups, including the expatriate Sein Win group and participated in the groups' activities against the Government. Accordingly, the Northern Yangon District Court on 6 October 1994 found her guilty and sentenced her to 10 years' imprisonment, the sentence which she is currently serving. Her daughter, Myat Moe Moe Tun, was found guilty of anti-Government activities and distributing slanderous pamphlets against the Government, and sentenced to seven years' imprisonment on 6 October 1994. Owing to her good behaviour, she was released on 23 March 2000 and upon release could meet her mother. Daw San San New had complained about swollen glands in her throat and the prison doctor examined her on 3 April 2000, taking X-rays and an ultrasound and blood examinations. A surgeon from Insein People's Hospital was consulted, who examined her for cancer. The swelling was a result of a bacterial infection. She was given medication and is in good health. She was allowed to visit her family on 18 March, 21 August and 26 November 2000, for about five hours, and also met other relatives there and close friends. Her son and daughter were allowed to visit her every two weeks. Nyein Chan was never arrested or prosecuted.

Namibia

1103. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 2000 regarding which no reply had been received.

Nepal

1104. By letter dated 15 August 2001, the Special Rapporteur advised the Government that he had received information according to which there are no legal provisions which make torture per se an offence in Nepalese domestic law. It is reported that the only provisions that may currently be used to bring alleged perpetrators of torture to justice are contained in the 1962 Civil Code (*Muluki Ain*), which prohibits acts such as mutilation, beating and physical assault. However, in relation to these three provisions, prosecutors do not have the power to initiate action regardless of whether the victim has filed a complaint. Furthermore, Nepalese law is also reported not to stipulate specific criminal punishments that may be imposed on perpetrators of torture. Although it gives the judge the power to direct the concerned authority to take disciplinary action against the officers involved, it allegedly puts no burden upon the government department concerned to report back to the court or any other authority on the action taken. It is also said that no penal provision under which alleged perpetrators of torture can be brought to justice was, for instance, included in the 1996 Torture Compensation Act (TCA), which is said to provide that victims of torture or relatives of a person who has died in custody as a result of torture can apply to the local district courts for compensation.

1105. Police are believed to have wide powers to detain suspects under the Public Security Act (PSA), which allows for people to be held in detention for a period of up to 90 days. This period allegedly can be extended for another 90 days by the Ministry of the Interior and a further extension of up to 12 months from the original date can be obtained subject to the approval of an Advisory Board established under the PSA. Most people arrested under the PSA are reportedly not brought before the court within 24 hours after arrest, as laid down in the Constitution, and are held in incommunicado detention, often in unofficial places of detention. The reported police practice of denying prisoners access to a lawyer, a doctor or their relatives during the initial period of detention is also said to contribute to the prevalence of torture.

1106. Another factor which appears to facilitate torture is the alleged lack of investigative skills among the police, who are thought often to use physical violence against a suspect to get a confession rather than collecting evidence. Moreover, it is alleged that the district courts usually accept the confession as prima facie evidence on the basis of which a person is detained. To the Special Rapporteur's knowledge, the Supreme Court has not taken a clear stand on whether the burden of proof should be reversed under certain circumstances. Furthermore, investigative mechanisms into torture are said not to be effective enough. According to the information received, many of the professionals directly empowered by the law in relation to the prevention and investigation of torture appear unaware of the TCA's provisions.

1107. Regarding the role of doctors, the TCA provides that examination of prisoners can only be done by doctors "in government service". The latter reportedly function under the control of the Chief District Officer, who also controls the local police. This is believed to put medical doctors under pressure to cover up abuses by the police. Corruption and lack of impartiality are said to be widespread among public prosecutors and judges.

1108. The Special Rapporteur has transmitted information on the following individual case.

1109. **Deepak Raut**, a 13-year-old boy, was reportedly arrested along with four other children on 30 January 2000 in Saptari district, where he was allegedly held for 18 days and subjected to ill-treatment, as a result of which his body allegedly bore visible marks. After having reportedly filed a complaint under the TCA, he was rearrested on 26 May 2000 and forced to withdraw his complaint. He was reportedly released hours after the intervention of a lawyer. The case is said to be proceeding before the Saptari district court.

1110. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1997, 1998, 1999 and 2000 regarding which no reply had been received.

1111. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following new individual cases.

1112. **Supid Rimal,** a resident of Malangawa municipality-8, Sarlahi district, was reportedly arrested on 26 July 2000 at his residence after a dispute with his brother, Sameer Rimal, who requested his arrest, and taken to the District Police Office (DPO) in Sarlahi. When he inquired about the reason for his arrest, he was reportedly slapped in the face twice. About 1½ hours later, the police informed Sameer Rimal that his brother should be taken to hospital. At the station, he found him unconscious, with blood coming from his mouth, wounds on his lips, abrasions on his wrists, bruises on his back, and wounds on both legs. He reportedly died at Sarlahi district hospital a short while later. No autopsy was allegedly carried out, as the police reportedly prevented the body from being taken to another hospital for a post mortem examination. The body was reportedly cremated the following day.

1113. **Krishna Serala**, a member of the All Nepal National Free Student Union (ANNFSU) was reportedly arrested and taken to Kailali DPO on 15/16 February 2000. His friend **Deo Ram** was held in a separate cell after admitting he was a Maoist. Krishna Serala was reportedly slapped by the head police constable, beaten and forced to lie down on the ground during interrogation, when a constable jumped on his thighs wearing his boots. He was taken back to his cell and allegedly denied food for three consecutive days. On the fifth day, he was reportedly hung from a pole and subjected to beatings on the soles of the feet by three police officers for one hour. A gun was allegedly pointed at his chest and he was asked whether he was a Maoist. He was reportedly released after seven days, owing to public pressure. It is believed that Deo Ram was subjected to similar treatment and had to be hospitalized upon release.

1114. **Sagar Budhathoki**, a journalist for the *Himalayan Times*, was reportedly arrested on 7 November 2000 on his way to Chaurjahari. An inspector accompanied by 58 armed policemen reportedly beat him with a PVC pipe on his thighs and calves. The assistant sub-inspector (ASI) was allegedly beaten when he requested the inspector to stop. Sagar Budhathok was reportedly taken to Chaurjahari area police office, where another inspector severely beat him with a pipe for half an hour, and threatened him with death. He was reportedly released upon an order from the deputy superintendent of police, fined, and forced to sign a statement implicating another detainee as a Maoist supporter.

1115. **Rashmi Raj Nepali** from Gorahi, Dang district, was reportedly arrested on 20 September 2000 during a procession on 20 September, which was dispersed by police wielding rifles and lathis (weighted bamboo sticks). He was said to have been hit with a gun butt five times, beaten on his back with a lathi and kicked on various parts of his body. The police reportedly broke his thumb and smashed his camera. He was taken with other demonstrators to the DPO in Gorahi where they were allegedly not given any food. They were reportedly taken to hospital and released unconditionally after two days.

1116. **Krishna Sharma Gautam** (f) was reportedly arrested on 12 January 2000 by 65 policemen who arrived at her house at midnight, on suspicion of being a Maoist. She was taken to the DPO in Rukum where she was ordered to remove her clothes and was subjected to a form of torture known as *sisnu pani* (lashing with wet stinging nettles) to get her to confess to being a Maoist. She was allegedly subjected to *falanga* on five occasions, beaten on her head and shoulders with a lathi, and threatened that she and her family would be killed. After two days, she was reportedly sent to Rukum jail. She was asked to fingerprint a blank paper and released on condition she reported to the police superintendent.

1117. **Madan Rana**, a student, was reportedly arrested on 22 April 2000 at Bisaun, Gorahi, Dailekh district, on suspicion of being a Maoist supporter, by 40 armed members of the "striking force" police, taken to Ratanagla police station, Dailekh district, then to Surkhet DPO. He was allegedly deprived of food and given only a very small amount of water. During his seven days in custody he was allegedly punched, kicked and beaten on his back, shoulders and thighs with sticks for one hour a day, and only allowed visits after three days. Before his release, he was reportedly forced to sign a "surrender"statement, which was broadcast on the radio and printed in the newspapers, stating that he was involved in Maoist activities and agreeing to give up all political activities in the future.

1118. **Indra Lal Gautam**, from Ward 3, Serigain, Khalanga Village Development Committee (VDC), Rukum district, and his son **Yamraj Gautam** were reportedly arrested at home on 12 January 2000 by 15 armed police officers, led by an inspector handcuffed together and taken to the DPO in Rukum. They were allegedly made to sleep on nettles. Indra Lal Gautam was reportedly stripped naked and beaten with nettles on his back by the inspector, and punched in the face, resulting in a broken tooth. Policemen reportedly jumped on his back, he was put on a bench, subjected to *falanga* on two occasions and beaten with sticks. His son was allegedly subjected to similar kinds of treatment. The following day, they were reportedly ill-treated again until the deputy superintendent of police arrived and ordered it to stop. After five days in police custody Indra Lal Gautam was remanded to Rukum jail under the PSA for 28 days, and released on 11 February 2000. His son was allegedly released after seven days.

1119. **Manu Sitaula**, a student, and her friend were reportedly arrested on 15 February 2000 while collecting donations for the Communist Party in Dhangadhi Campus Road. Seven armed police (six men and one woman police constable) from the regular police force reportedly took them to Kailali DPO, pulled Manu Sitaula's hair, knocked her down, slapped and beat her on the back with a stick and punched her every day for five days. The police constable reportedly threatened to break her legs if she continued with her political activities. She was reportedly released after 10 days and made to sign a statement that she was not allowed to read.

1120. **Yadav Sharma,** a student, was reportedly arrested in his room on the night of 15 February 2000 on suspicion of being a sympathiser of the Communist Party, along with 21 other students, and taken to Kailali DPO where they were allegedly held for nine days in a room 10 feet by 10 feet, handcuffed for three days. They were reportedly interrogated by an ASI about Maoist activities. Yadav Sharma was reportedly forced to maintain a crouching position throughout the night except for a break every 15 minutes when he was ordered to speak. He is also said to have been beaten on his back and legs with a stick and subjected to *falanga* on 10 occasions.

1121. **Sushila Acharya**, a student, was reportedly walking with a male friend, **Chakra Bahadur Bhatt**, along a road in Sugar Khar VDC, Kailali, on 4 February 2000, when they were reportedly stopped by 15 policemen, who searched their bags and allegedly found Maoist material. They were reportedly taken to the area police office at Chisapani, Kailali, where they were interrogated, and then held at Chaumala area police office where Sushila Acharya heard Chakra Bahadur Bhatt being beaten severely, and was threatened with death. The next day, they were reportedly taken to the Dhangadi DPO, Kailali, where Sushila Acharya was allegedly raped and Chakra Bahadur Bhatt was severely beaten, resulting in an injury to his backbone. Sushila Acharya was reportedly kept incommunicado for five days and Chakra Bahadur Bhatt for 21 days. They were allegedly transferred to Dhangadhi jail. Sushila Acharya is reported to have been released on 25 August 2000 after being forced to sign a "surrender"statement.

1122. **Govinda Bahadur Chapai** and a friend, **Ganashyam Pokhet,** were reportedly arrested at his house by nine armed policemen from the "striking force" in January 2000 who took them to Ramaghat police post, then to the area police station at Chinchun where they remained for one day, and subsequently to Surkhet DPO. During interrogation, Govinda Bahadur Chapai was allegedly threatened with death and asked why he had joined the Maoists. He was allegedly beaten on the first day on his face, hip and back, including by the Superintendent of Police, and forced to sign a "surrender" statement.

1123. **Samodh Mandal**, aged 13, who was working as a servant in the house of a Supreme Court Judge, Bhaireb Prasad Lamsal, was reportedly arrested on 17 July 2000 on suspicion of rape, and taken to the jungle by policemen where he was severely beaten in an attempt to make him confess to the crime. When suspicion fell upon the son of the Supreme Court Judge, the judge reportedly tried to bribe Samodh Mandal. The DPO in Kathmandu reportedly filed a case against Samodh stating his age as 17, the legal age of majority. A case against his illegal detention in the Nepali jail is said to have been filed on 12 September 2000.

1124. **Bhim Prasad Sapkota**, aged 15, from Gunchi Bhadauri VDC, Ramechap district, was allegedly arrested along with four other people shortly after the killing of some policemen in Ramechap district in June/July 1999. He was reportedly threatened by the police because they suspected him of distributing magazines to Maoist supporters. He was reportedly beaten continuously during the 45-minute journey from the place of arrest to the Gunchu area police post. He was subsequently taken to the inspector's room, allegedly interrogated about sympathies towards Maoists and beaten on the head.

1125. **Lila Bahadur Pun** from Dasrathpur-1 VDC, Surkhet district, was reportedly arrested on 27 October 2000 after he and his wife gave food to five members of the Communist Party. He was allegedly forced to carry the Maoists'belongings to the police post at Ramghat, Surkhet district, a three-hour walk away, and kept there overnight, after which he was transferred to Surkhet DPO where he was allegedly held for seven days. In police custody, police officers reportedly threatened him and his family with death, beat him all over his body with a stick, kicked him and pulled his hair. He was allegedly kept in a dark, dirty room, and to have been given insufficient food.

1126. **Jeeba Nath Bhandari,** a farmer from Ward No. 4, Phulbari VDC, Kailali district, was reportedly arrested at his house by about 12 policemen on 3 December 2000, suspected of providing shelter to his cousin, who was alleged to be a member of the Communist Party. He was reportedly taken to the Dhangadi DPO, Kailali district, where he was allegedly held for two days, beaten on his back and legs with a stick and humiliated for two hours of interrogation each day.

1127. **Draupati Khatri** (f) from Ward No. 8, Jagatipur VDC, Jajarkot district, was reportedly approached by four policemen at her home on 8 February 2001, following the murder of her neighbour, the VDC Vice-President, by alleged Maoists the day before, and interrogated for half an hour. She was allegedly threatened with death, beaten on her arms, back, legs and the soles of her feet with a gun butt and had her hair and ears pulled.

1128. **Padam Bahadur Magar** from Kalika VDC, Kanchanpur district, was reportedly arrested on 23 March 2001, suspected of being a Maoist, and taken to the Kanchanpur DPO where he was reportedly held for six days. There he was allegedly beaten on his neck, ears, back, chest, thighs and shoulders with a stick, and punched, kicked and hit with a stick on his genitals. He was reportedly held incommunicado, threatened with death, deprived of food, and had insufficient access to the toilet.

1129. **Bimala Choudhari**, a student from Village Baisa, Baijapur VDC, Banke district, was reportedly arrested on 4 June 2001 at the office of the Chief District Officer in Nepalgunj and taken to the Police Training Centre at Dhamboji, Nepalgunj, which is believed to be an unofficial place of detention, and afterwards to the Dhanauli area police post. While in custody at the Dhanauli area police post, a policewoman allegedly beat her with a stick on her back, legs and other parts of her body, for half an hour at a time, and verbally humiliated and threatened her. She was reportedly kept incommunicado in a dark and dirty room and given insufficient food. She was reportedly released after agreeing to report to the Banke DPO every week. Three other family members were also allegedly arrested and charged with Maoist activities, taken to the same police post and subjected to similar treatment. As a result, she reportedly suffers from chest and abdominal pains.

1130. **Resam Bahadur Dangi Chhetri,** a farmer from Ward No. 7, Gadhawa VDC, Ghoraha, Dang district, was one of several demonstrators reportedly arrested during a rally on 15 November 2000 and taken to the Ghorahi, DPO Dang district, where he was said to have been beaten randomly by police officers with a stick and a gun butt on his face, back, knee and elbows, and kicked. As a result of the beating, he is believed to have become unconscious. He was reportedly released unconditionally one day later, but was not given any medical treatment while in police custody. He reportedly suffered a fracture of the spine.

1131. **Chhabilal Sharma**, from Ward No. 9, Khalanga VDC, Ratomate, Rukum district, and his sister and her husband were allegedly kicked, punched and hit with a gun butt on the lower back, shoulders and arms when they tried to stop a group of about 40 policemen from the "striking force" from entering his house looking for Maoist activists on 18 December 2000. His sister and her husband were reportedly new to the area, and hence suspected of being Maoist supporters. He was allegedly further verbally humiliated and threatened with death. Chhabilal Sharma reportedly suffered back pain, anal bleeding and pain in his hands.

1132. **Som Nath Bhandari**, a farmer from the Musuriya VDC, Shankerpur, Kailali district, was reportedly arrested on 18 December 2000 and taken to the Kailali DPO where, during interrogation, he is said to have been beaten on his head, shoulders, thighs, wrists and soles of the feet with a stick and punched. Police reportedly threatened to kill him and verbally humiliated him. He was reportedly denied food and visits. He was reported to be suffering from eye problems, body aches and abdominal pain.

1133. **Ram Krishna Gole**, from Salee, Kavre district, but receiving treatment for psychosis at the Lalitpur Mental Hospital, Kathmandu, was reportedly arrested and beaten with a stick by police on 15 April 2000 when, after a row with his wife, he was walking in the streets of Kathmandu, crying. He was reportedly arrested for creating a public disturbance and taken to the Janasewa police station, Bishal Bazar, Kathmandu, where he was kept in isolation. For three days he was allegedly beaten randomly on his head, legs, shoulders and soles of the feet, and hit in the mouth with a brick, resulting in the loss of four teeth. He was allegedly deprived of adequate food and water. He was allegedly released four days later.

1134. **Til Bahadur Ghaarti Magar**, from Klunga VDC, Baglung district, was lodging temporarily in Kathmandu when he was reportedly arrested on 2 April 2001 and taken to Janasewa police office, Bishal Bazar, Kathmandu, where the inspector reportedly ordered his assistant to beat him. For three hours, he was allegedly beaten on the thighs, back, hands and soles of his feet with a steel pipe and slapped on the face. The police reportedly attempted to pull out the nail of the little finger of his left hand and threatened to kill him. As a result, he lost consciousness. The next day, he was reportedly transferred to Hanuman Dhoka police station where he was suffering from headaches, dizziness, a tingling sensation in the limbs, pain in his legs and a burning pain on the soles of his feet.

1135. **Gopal Nagarkoti**, from Tilganga, Kathmandu, reportedly assisted a woman on the street on 28 May 2001 who had been raped. While advising her to report the matter to the police, he was reportedly approached by four policemen in uniform and a police officer in civilian clothes, who beat him with a belt and a stick. He was reportedly arrested for the rape and taken to Gausala police station, Kathmandu, where he was again beaten with a belt, hit on the left eye with a belt buckle and on the head. He was reportedly taken to Bir hospital, Kathmandu, and then to the Hanuman Dhoka police station where he was humiliated in public, forced to confess to the rape and charged with the crime. As a result, he is said to have lost the use of his left eye and is suffering from emotional trauma, pain in the legs and headaches.

1136. **Ram Bahadur Bika**, a farmer from Ward No. 3, Chita VDC, Deorali village, Lamjung district, and his brother, **Bisho Laure Bika**, were reportedly arrested on 6 November 2000. A third brother was also allegedly arrested, suspected of killing Bisho Laure Bika's pregnant wife. They were reportedly arrested in the jungle and taken to the Sothipasal police post, Lamjung district. Ram Bahadur Bista was allegedly beaten by policemen on the head and legs with a lathi at the time of arrest and subsequently fainted. Bisho Laure Bika was also severely beaten.

1137. **Govinda Tiwari**, a member of the Chita VDC, Lamjung district, was reportedly arrested on 7 September 2000 along with five other people and taken to Lamjung DPO where he was reportedly tortured every day for nine days. Hands reportedly tied behind his knees, he was hung from a beam and beaten on the feet and buttocks with a bamboo stick, for 10 to 30 minutes each time. An inspector reportedly held a loaded pistol to his head and chest and tried to force him to sign a confession. Four days later he was allegedly taken to court with the others. The police officers allegedly falsified the date of his arrest as 10 September 2000. Govinda Tiwari reportedly complained that he had been tortured and the judge ordered a medical examination. He was eventually taken to hospital 17 days after his arrest.

1138. **Keshar Raj Rimal** and **Munal Khadka**, students belonging to ANNFSU, were reportedly arrested with 14 others at the student union office on 28 December 2000. They were taken to the Hanuman Dhoka police station, Kathmandu, and reportedly beaten by police during interrogation, during which the superintendent or deputy superintendent of police ordered that a weighted bamboo stick or iron pipe be rolled over their thighs. The students were allegedly made to sign blank papers. All 16 students were reportedly kept in unacknowledged detention for 34 days before being produced at the Kathmandu district administration office on 30 January 2001.

Urgent appeals

1139. On 24 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Purna Poudel**, General Secretary of the ANNFSU, a student organization affiliated with the Communist Party of Nepal (Maoist), and the following members of this organization: **Shadhuram Devkota, Shova Khanal** (f), **Phanindra Devkota, Yubaraj Bhattarai, Deepak Devkota, Khrishna Kumar Malla, Madhav Adhikari, Sagar Sapkota, Hem Ghimirey, Shailendra Devkota, Atindra Neupane, Chetnath Dhungaga** and **Yagya Kharel**, on behalf of whom the Chairperson/Rapporteur of the Working Group on Enforced or Involuntary Disappearances sent an urgent appeal on 23 January. They have allegedly disappeared after being arrested on 28 December 2000. The arrests allegedly took place after late December demonstrations in Kathmandu and other districts to protest against negative remarks allegedly made by an Indian film star about Nepal and Nepalese people. According to the testimony of two other students, **Keshar Raj Rimal** and **Munal Khadka**, who were arrested at the same time and later released, they were tortured at the Hanuman Dhoka police station during the first few days following their arrest. The two released students were allegedly subjected to *belana*, a method of torture whereby a heavy weighted stick or other object is rolled over the thighs of the victim. It is believed that other students arrested at the same time have also been subjected to similar treatment. The other students were reportedly transferred to an unofficial place of detention and since then, there has been no news about their whereabouts.

1140. On 2 February 2001, the Special Rapporteur sent another joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Purna Poudel,** and other named members of the ANNFSU. The arrested students were reportedly brought before officials at the district administration office in Kathmandu on 30 January 2001. As none of the students could pay the 10,000 rupees bail set by the district administration, they were said to be remanded in custody in Kathmandu Central Jail.

1141. On 6 February 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Sailendra Devkota, Krishna Kumar Malla** and **Cheta Nath Dhungana**, students and members of the ANNFSU, on behalf of whom the Special Rapporteur had sent two joint urgent appeals in January. It was now believed that the above-mentioned persons and other students arrested at the same time had been tortured while in police custody. On 1 February, the families of the three above-named persons reportedly managed to pay their bail. However, instead of being released they were reportedly taken away by police under the command of a different inspector and they are now allegedly held incommunicado at the Hanuman Dhoka police station.

Niger

1142. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 1997 regarding which no reply had been received.

Nigeria

1143. By letter dated 21 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 1998 and 2000 regarding which no reply had been received.

Urgent appeals

1144. On 11 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on violence against women on behalf of **Bariya Ibrahim Magazu**, a 17-year-old girl, on behalf of whom the Special Rapporteur on torture had already intervened on 29 September 2000 (see E/CN.4/2001/66, para. 830). She was reportedly sentenced to 180 strokes of the cane by a Shariah court in Tsafe, Zamfara State, in early September 2000, allegedly for having had sexual relations outside marriage and for having falsely accused three men of having sexual relations with her. The sentence was not carried out at that time since she was due to give birth. It is believed that she had her baby in mid-December and that the sentence would be carried out on 27 January 2001.

Pakistan

1145. By letter dated 24 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1146. **Haider Ali** was reportedly arrested by officers from the Malka Hans police station on 18 June 2001, stripped naked by two police officers and subjected to electric shocks on his genitals. Some petrol was allegedly injected in his body. As a result, he reportedly confessed to a crime he allegedly did not commit and became impotent.

1147. **Yasin** and **Sajid** were reportedly arrested by officers from Okara police station on 6 July 2001 and severely beaten at the police station until the sticks used on them broke. They were allegedly made to drink urine.

1148. The Special Rapporteur has also transmitted information according to which the police used excessive force to disperse several demonstrations. In particular, on 9 April 2001, police reportedly broke up a peaceful protest of about 15 journalists and newspaper employees in Lahore. When the participants approached the Faisal Chowk area, the President of the journalists' union reportedly explained to police officers stationed there the purpose of the march and assured them that the demonstrators would disperse in a short time. When he addressed the rally, a police officer allegedly announced that the Superintendent of Police had ordered the arrest of the journalists if they did not disperse within two minutes. Without waiting for a response, police reportedly used batons to drive away the journalists, injuring several.

1149. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1996, 1997, 1998 and 1999 regarding which no reply had been received.

1150. By letter dated 31 August 2001, sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1151. **Abdul Rasheed** was allegedly beaten to death by officers of the Naulakha police station in Lahore on 4 April 2001, when he filed a case with the police regarding the alleged kidnapping of his son. The assistant sub-inspector (ASI) responsible for the inquiry into the kidnapping allegedly sought to force Abdul Rasheed to withdraw the case, and beat him when he refused. Abdul Rasheed reportedly fainted and died on his way to hospital. A case has reportedly been registered.

1152. **Amjad** reportedly died in the custody of the Model Town police station, Gujranwala, on 26 June 2001, two days after his arrest. The police allegedly claimed that he died of a heart attack, but his relatives allege that he was tortured to death. The corpse was reportedly taken to the civil hospital for a post mortem.

1153. **Mohammad Rafique** was reportedly arrested by police officers from Thana City/Kamoki on 20 June 2001, of which his father was only informed three days later. Mohammad Rafique was allegedly hung upside down and seriously beaten. He was reportedly later transferred by the police to hospital, where he died on 3 July 2001 from kidney failure, an injury consistent with the beating.

Urgent appeals

1154. On 19 April 2001, the Special Rapporteur sent an urgent appeal concerning the alleged intention of the Pakistani authorities to return, indiscriminately and forcibly **thousands of refugees from the makeshift Jalozai camp** near Peshawar to Afghanistan, where some of them would be at risk of grave human rights abuses, including torture and other forms of ill-treatment. According to the information received, the Governor of the North West Frontier Province (NWFP) publicly announced plans to deport within a few months all new arrivals who had not been officially registered. The Governor has allegedly issued an order to this effect and the police are believed to be planning to carry it out.

1155. By letter dated 2 May 2001, the Government indicated that the Special Rapporteur's communication was unsubstantiated and outside the purview of his mandate. The Government further pointed out that since the invasion of Afghanistan, Pakistan had sheltered over 4 million Afghan refugees, of whom about 2 million returned after the withdrawal of the Soviet forces. The budgetary allocation provided by the international community, channelled through UNHCR, had declined steadily to about $8 per refugee per annum. The costs to be born by Pakistan in economic terms were thus staggering. As a result of the presence of Afghans on its territory, Pakistan also had to deal with associated social, security and environmental problems. Since early last year, the burden had been further increased by the worst drought in the history of the region, which led to hundreds of thousands of new refugees. Owing to the closure of the Tajik and Iranian borders, Pakistan had to accept most of the refugees. Whilst most refugees were established in well-maintained camps, some 70,000 had been sheltered in Jalozai camp. The arrival of such large numbers of refugees over such a short period of time had created an alarming situation for the provincial government, which had asked UNHCR to stop registration in order to discourage new arrivals. The provincial government had not issued any instructions to deport the newly arrived Afghan refugees and no Afghan refugee had been expelled from Pakistani soil. The Government of Pakistan had requested the United Nations and other agencies to provide relief on an emergency basis inside Afghanistan; however, the $250 million United Nations appeal for Afghanistan had received a very poor international response and very little practical and concrete help had reached Afghan refugees in Pakistan. The Government further stressed that no Afghan refugee anywhere in Pakistan, including in Jalozai camp, had been subjected to any deliberate hardship, least of all torture, that the Government had not expelled nor wished to initiate any such inhuman action, and that it was not responsible for the situation of Afghan refugees after their return to their own country.

1156. On 21 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **around 35 political activists** who had reportedly been detained on or around 7 June 2001 after staging an apparently peaceful political protest in the state of Azad Jammu and Kashmir. It is reported that 27 members of the Jammu Kashmir Liberation Front and several members of the United Kashmir People's National Party, both of which favour independence for Jammu and Kashmir, were amongst those arrested. Several detainees were allegedly beaten upon arrest, in police custody or jail. All were said to be currently held in Kotli jail. It is believed that most of them are detained under legislation which reportedly permits detention of anyone making a speech which "causes or is likely to cause fear or alarm to the public" or "furthers or is likely to further any activity prejudicial to public safety or maintenance of public order". They had reportedly protested against the Election Commission's decision to reject their candidates' nomination papers for the Legislative Assembly election on 5 July. The Commission is said to have rejected the nomination papers of candidates who refuse to sign a declaration stating their support for the accession of Azad Jammu and Kashmir to Pakistan.

1157. On the same day, the Special Rapporteur sent an urgent appeal on behalf of **Akram Awan**, a former Pakistan Air Force officer, who had reportedly been jailed in 1991. Currently held in Adyala jail, in Rawalpindi, he is allegedly seriously ill with tuberculosis Prison doctors who are said to have examined him reportedly recommended to the prison authorities that he be moved to an outside hospital immediately, so he could receive necessary clinical tests and treatment.

1158. On 15 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Aziz Zemouri**, a reporter for *Figaro* magazine, who was reportedly detained in Peshawar by the Pakistani Immigration Department. He had allegedly been arrested in Afghanistan by the Taliban while trying to cross the border between Pakistan and Afghanistan illegally and was handed over to the Pakistani authorities on 10 October 2001. The Special Rapporteurs also intervened on behalf of **Muhammad Iqbal**, **Syed Karim** and **Rifatullah Orakzai**, journalists from the tribal areas, who had reportedly been jailed since 5 October in Peshawar and were said to be questioned. They had reportedly been arrested with Olivier Ravanello and Marcan Tetti, reporters from the French news channel LCI, near the Afghan border, who were released on 8 October.

Paraguay

1159. Con fecha 10 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

1160. **Rosalino Ortiz**, recluta de 16 años, se habría fugado en dos ocasiones de su cuartel donde habría sufrido malos tratos. En enero de 2000, su madre habría afirmado que había sido golpeado por un superior. Rosalino Ortiz se habría escapado tras haber sido golpeado y habría llegado a la casa de su madre con la nariz sangrando y con moretones en la espalda. Su madre lo habría vuelto a conducir de nuevo al cuartel, del cual se habría vuelto a escapar diez días más tarde, alegando haber sido nuevamente maltratado.

1161. **Brígido Martínez**, de 15 años, **Pedro Edgar Aquino**, de 16, y **Bernadino Acuña**, de 16, habrían desertado del Regimiento de Caballería No. 2, en Cerrito, departamento del Presidente Hayes, en enero del 2000. Los nombrados habrían presentado una demanda formal por malos tratos recibidos en el cuartel a manos de un superior. Durante los nueve días que permanecieron en el cuartel habrían sido víctimas de palizas con palos de escoba y machetes. Posteriormente se les habría permitido regresar con sus familias.

1162. **Sydney Moraes**, de 17 años, habría fallecido el 18 de julio de 2000. La muerte del nombrado ocurrió tres meses después de haber sufrido un disparo en un pie en la Comisaría Policial de Santa Fé, en Alto Paraná, como consecuencia de no haber recibido asistencia médica necesaria.

1163. **César Francisco Pereira**, de 15 años, **Carlos Alberto Insfrán**, de 15, **Tranquilino Gómez**, de 17, y **Óscar Insfrán**, de 16, habrían desertado del ejército tras la muerte de otro recluta, **Antonio Centurión**, de 14 años, en septiembre de 2000. Los menores habrían huido del cuartel de Vista Alegre, en Puerto Falcón, cerca de Asunción. Posteriormente, habrían declarado haber sufrido malos tratos. Como medida preventiva se habría presentado una solicitud de hábeas corpus en su favor ante un juez de Garantías Constitucionales, quien habría ordenado que fueran apartados del servicio militar.

1164. **Reinaldo Morínigo**, de 17 años, habría desertado de la Unidad de Caballería de Curuguaty, en el departamento de San Pedro, en septiembre de 2000, se habría presentado en el Parlamento y habría pedido protección. El nombrado habría sido sometido a malos tratos constantes por tres superiores por no haber sido capaz de realizar ciertos movimientos con el brazo. Asimismo, habría denunciado que sus documentos habían sido falsificados para demostrar que tenía 18 años cuando en realidad tenía 17. Una senadora habría solicitado al comandante de las fuerzas armadas que Reinaldo Morínigo fuera dispensado del servicio en espera de que se le practicara un reconocimiento médico, pero dicho reconocimiento le habría sido denegado con el argumento de que había desertado. Reinaldo Morínigo se habría negado a regresar a la Unidad de Caballería.

1165. **Lorenzo Maldonado**, soldado, habría denunciado haber sufrido malos tratos ante el Senado de Paraguay el 21 de noviembre de 2000. Mientras realizaba el servicio militar en la II División de Caballería, en el departamento de Ñeembucú, un superior le habría golpeado en la cabeza con un machete. Posteriormente, Lorenzo Maldonado habría sido trasladado a otra unidad militar para completar el servicio militar.

1166. **Jorge Herebia**, **Rafael Pereira**, **Óscar Acuña**, **Jimmy Orlando Dos Santos** y **Diego Acosta**, detenidos en el correccional de menores Panchito López, habrían sido golpeados por funcionarios del centro de detención el 7 de abril de 2001, como represalia por haber explicado a una delegación de una conocida organización de derechos humanos que habían sido torturados. El 10 de abril, el viceministro de justicia habría hecho una visita no-anunciada al centro y habría hallado a Diego Acosta encerrado en una celda de aislamiento que medía aproximadamente 1,2 m^2. El viceministro habría ordenado el cierre de dicha celda y el traslado del menor a otro centro de detención. Posteriormente, habrían sido destituidos el jefe de seguridad del correccional, por haber ordenado la reclusión de Diego Acosta en una celda de aislamiento, y otro funcionario, después de que algunos detenidos lo habrían denunciado por tortura y malos tratos. Una organización no gubernamental habría interpuesto una denuncia ante la fiscalía contra funcionarios de dicho centro por tortura, abuso de autoridad y trato cruel, inhumano y degradante.

1167. El Relator Especial notificó al Gobierno que había recibido información suplementaria sobre las condiciones de detención en el correccional de menores "Panchito López", sobre las que el Relator Especial ya mandó una comunicación al Gobierno el 10 de octubre de 2000 (ver E/CN.4/2001/66, párr. 835). De acuerdo con la nueva información recibida, los internos del centro se encontrarían recluidos en condiciones de grave hacinamiento en celdas insalubres que apenas cuentan con instalaciones higiénicas. A pesar de que las instalaciones de "Panchito López" habrían sido inicialmente adaptadas para albergar a 80 personas, unos 270 menores habrían sido simultáneamente recluidos allí, la gran mayoría en espera de juicio. Asimismo, la alimentación y la asistencia médica no serían adecuadas. Los jóvenes serían a menudo sujetos a malos tratos, que a veces llegarían a constituir tortura. En su informe anterior (ibíd.), el Relator Especial hace mención de la muerte de ocho internos debido a un incendio ocurrido el 11 de febrero de 2000. El 5 de febrero de 2001, otros nueve internos que estaban mantenidos en celdas de aislamiento habrían resultado heridos como consecuencia de otro incendio. El 25 de julio de 2001, el centro habría sido destruido en su totalidad como consecuencia de un incendio provocado por un grupo de detenidos, en protesta por los disparos que habría sufrido uno de los jóvenes. Dicha catástrofe provocó la intoxicación de ocho menores.

1168. Por la misma carta, el Relator Especial recordó al Gobierno varios casos transmitidos en 1996 respecto a los cuales no había recibido respuesta.

Seguimiento de comunicaciones transmitidas previamente

1169. Por carta de fecha 15 de febrero de 2001, el Gobierno respondió al caso de los menores detenidos en el **Establecimiento Correccional de Menores Panchito López** enviado en octubre de 2000 (ver E/CN.4/2001/66, párr. 835), el Gobierno informó sobre la apertura de un sumario administrativo y una investigación judicial sobre los incendios del 11 y 18 de febrero de 2000, y lo ocurrido en la madrugada del 25 de febrero en el Instituto de Reeducación del Menor "Correccional Panchito López". En relación a los incendios, el Gobierno señaló que el primero de ellos se produjo en el área de la puerta de la celda, donde los guardias debieron procurarse elementos contundentes para poder abrir el candado de la celda, lo que demoró la salida de los niños y produjo el saldo fatal de 7 muertos y 18 heridos. Posteriormente, se produjo un nuevo incendio, motivo por el cual se trasladó a un grupo de jóvenes a la Penitenciaría de Emboscada. El Gobierno manifestó que se instaló un nuevo local para los detenidos en la sede anterior de la Justicia Militar donde, el 13 de marzo de 2000, se trasladó al primer grupo de jóvenes. Con respecto a las posibles torturas y maltratos físicos a los que fueron sometidos, el 25 de febrero de 2001, **Francisco Carvallo Figueredo** y **Rubén Darío Alcaraz** en el establecimiento correccional mencionado, el Ministerio de Justicia y Trabajo informó de que el primero fue trasladado al Penal de Emboscada tal como lo había solicitado, y el segundo recuperó su libertad el 13 de marzo de 2000.

Peru

1170. Con fecha 10 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

1171. **Pablo Waldir Cerrón González** habría sido detenido sin orden de detención en su domicilio, en Huamachuco, departamento de La Libertad, el 4 de septiembre de 1998. Habría sido conducido a la comisaría de la ciudad, donde habría sido golpeado en la cabeza, espalda, estómago y costillas con un palo y con la culata de un arma. Asimismo, le habrían sumergido la cabeza en un recipiente con agua en tres ocasiones, retirándola violentamente, ocasionándole una hemorragia nasal. A continuación habría permanecido encerrado toda una noche en una celda. El nombrado habría quedado en libertad tras pagar una multa y habría denunciado a los policías por tortura.

1172. **Luis Beltrán Castillo** habría sido detenido el 21 de octubre de 1998 por dos policías en la Plaza de Armas de la localidad de Vilcashuamán, en el departamento de Ayacucho. Los policías lo habrían golpeado hasta que habría quedado inconsciente. En diciembre del mismo año, el juez instructor habría abierto una investigación por torturas contra los dos policías implicados y habría ordenado su detención. Sin embargo, la víctima y su familia habrían sido intimidados y hostigados por los dos agentes y habrían decidido retirar los cargos. La investigación se habría cerrado.

1173. **Juan Iparraguirre Landauro** habría sido detenido y golpeado el 9 de noviembre de 1998 por dos policías en Bagua Grande, departamento de Amazonas. Luego lo habrían llevado a la comisaría de esa localidad, donde habría sido golpeado durante unas tres horas. Asimismo, habría sido obligado a firmar un documento en el que se confesaría culpable de los cargos de los que se lo acusaba. Como resultado, la persona en cuestión habría sufrido una fractura de la pierna derecha y de las caderas, lesiones que habrían sido confirmadas por un examen médico. Por temor a represalias, en enero de 1999 habría firmado un documento en el que afirmaba que las lesiones no habían sido producidas por los hechos mencionados. No se habrían presentado cargos contra los policías.

1174. **Huber Méndez Barzola**, estudiante de secundaria de 16 años, habría sido detenido por la policía el 5 de marzo de 1999 en la población de Huamanga, departamento de Ayacucho, bajo la sospecha de haber cometido actos de "terrorismo agravado". Habría sido trasladado a la comisaría de la población de Huamanga, donde tres agentes de policía lo habrían desnudado, golpeado e introducido por el ano el "huanchaco" (cadena de metal con mangos metálicos en cada extremo) que la policía decía haber encontrado en su posesión. El 18 de marzo de 1999 un juez habría ordenado la detención de dos de los policías y la comparecencia ante un tribunal del tercero. La Corte suprema de justicia habría confirmado la sentencia dictada en agosto de 2000 y habría condenado a cada uno de los agentes a seis años de cárcel y al pago de una indemnización. Durante las actuaciones judiciales, la persona en cuestión habría sido seguida por desconocidos y sus familiares habrían sido objeto de intimidación.

1175. **Pedro Tinta Vera**, conocido también como Pedro Pinglo Toada, y **Juan Domingo Cerrón Núñez** habrían sido detenidos junto con otra persona más por agentes de la Policía nacional de Puente Piedra, departamento de Lima, el 20 de marzo de 1999. Los tres individuos, sospechosos de terrorismo agravado, habrían sido trasladados a la Dirección Nacional de Investigación Criminal (DININCRI), División de la Policía Nacional, donde habrían sido retenidos 19 días. Habrían sido golpeados, les habrían sumergido la cabeza en agua y se les habría aplicado descargas eléctricas. Como consecuencia, Pedro Tinta habría sufrido una fractura del omóplato derecho, Juan Domingo Cerrón Núñez habría sufrido una hemorragia interna, su cuerpo presentaría contusiones, habría quedado sin sensibilidad en el lado derecho de la cara, y su asma habría empeorado. El 18 de octubre de 1999, un juez de la jurisdicción civil de Lima habría dictado orden de detención contra los tres policías implicados en los hechos relatados. Los tres agentes habrían recurrido contra la orden de detención y la Corte Superior la habría sustituido por una orden de comparecencia ante el tribunal. A finales de 2000, los agentes aún no habrían comparecido y uno de ellos habría sido ascendido a comandante de la Policía Nacional.

1176. **Walter Munárriz Escobar** habría sido detenido y llevado a la comisaría de Lircay, provincia de Huancavelica, acusado de robo en un hotel de la localidad. Desde entonces no se le habría vuelto a ver. Otros detenidos que coincidieron con él en la comisaría habrían afirmado que le oyeron gritar de dolor por los malos tratos que le estaban infligiendo. El 22 de abril de 1999 se habría iniciado una investigación judicial sobre la presunta "desaparición" y el juez de instrucción habría ordenado la detención de los dos policías considerados responsables. A finales de noviembre del 2000, el caso aún no habría sido visto por la Corte Superior. Los familiares de la víctima habrían sido objeto de amenazas e intimidación durante el proceso.

1177. **Humberto Zevallos Matos** habría sido detenido bajo sospecha de robo y llevado a la comisaría de Aucayacu, departamento de Huánuco, el 16 de junio de 1999. Allí habría sido atado a un poste de madera y golpeado en diversas partes del cuerpo y en la cabeza. Más adelante se habría presentado una denuncia por torturas contra dos policías implicados. Sin embargo, la familia habría renunciado a continuar con las acciones judiciales debido a las amenazas supuestamente recibidas. La investigación se habría cerrado.

1178. **Catalino Daga Ruiz** y su hermano **Santos Daga Ruiz** habrían sido detenidos por dos policías de la comisaría de la ciudad de Huamachuco, departamento de La Libertad, el 23 de junio de 1999. En la comisaría, Catalino Daga Ruiz habría sido arrojado al suelo con las manos atadas a la espalda y, mientras uno de los policías lo sostenía, otro le habría pegado en los pies. Luego, le habrían sumergido la cabeza en un lavabo con agua, mientras Santos Daga Ruiz habría sido obligado a presenciar los malos tratos. A continuación, ambos habrían sido conducidos a un lugar desconocido, donde les habrían dado patadas y golpes con la culata de una pistola. En noviembre de 1999, tras un reconocimiento médico que indicaría que Catalino y Santos Daga Ruiz mostraban señales de haber sido maltratados, éstos habrían denunciado a los agentes policiales por torturas.

1179. **Luis Alberto Taipe Huamaní**, de 13 años de edad, habría sido golpeado con una porra de goma en la cara y en las plantas de los pies mientras estaba detenido en la División Especializada contra el Terrorismo y Antidrogas de la Policía Nacional de la provincia de La Merced, departamento de Junín, el 27 de septiembre de 1999. El nombrado habría permanecido recluido durante cuatro días en una celda con adultos. La policía le habría tomado declaración sin que estuviera presente su abogado o un responsable del ministerio público. La Defensoría del Pueblo, tras un informe médico que afirmaría que el menor habría sido objeto de malos tratos, habría recomendado la presentación de cargos de tortura contra los policías implicados, pero el fiscal encargado del caso habría concluido que no había fundamento legal para ello.

1180. **José Luis Rivas Antón** y su conviviente **Roxana González Miura** habrían sido detenidos por miembros de la policía de la División de Investigación Criminal (DIVINCRI), Cañete, el 31 de enero de 2000. Ambos habrían recibido golpes en la cara y en diferentes partes del cuerpo. El examen médico legista constataría que José Luis Rivas Antón presentaba golpes en el cuerpo pero el diagnóstico no arrojaría la totalidad de las lesiones sufridas. Durante su permanencia en el calabozo de la DIVINCRI, habría sido objeto de malos tratos. El 21 de septiembre de 2000 se habría presentado una denuncia por tortura en agravio de José Luis Rivas Antón y, el 23 de octubre del mismo año, una ampliación de aquella incluyendo a Roxana González Miura. El proceso se encontraría en la Fiscalía provincial de Cañete, en etapa de investigación.

1181. **Franklin Gómez Cutipa**, 17 años, habría sido reclutado ilegalmente y a la fuerza el 13 de enero de 2000, en el momento de presentarse a la inscripción para el servicio militar voluntario. No se le habría concedido la posibilidad de poder dar aviso de su enrolamiento a sus familiares. El 19 de enero de 2000 habría ingresado a la enfermería del Cuartel Tarapacá, donde habría permanecido nueve días. Como consecuencia de los golpes supuestamente sufridos, habría expulsado sangre de la boca. El 28 de enero del 2000 habría ingresado de nuevo a la enfermería debido a los excesivos ejercicios físicos que debía cumplir en el cuartel, lo que habría complicado una herida abdominal y una lesión intercostal de las que ya padecía antes. Por temor, se habría negado a denunciar los hechos mencionados.

1182. **Marino Fernández Sánchez** habría empezado su servicio militar en octubre de 1998 en el Cuartel 9 de Diciembre. Posteriormente, habría sido trasladado al Cuartel de Jauja, donde habría sido sometido a ejercicio físico excesivo y a maltratos diversos por soldados de la unidad de Pichnaki. Estos hechos no habrían sido investigados por el jefe de dicha base militar. Más tarde, habría sido enviado a la Base de Concepción, donde también habría sufrido maltratos por parte de un sargento, un cabo y otros soldados. En febrero de 2000, habría desertado debido a los mencionados maltratos. Como consecuencia de ellos, habría quedado en un estado de salud crítico, no podría caminar ni hablar. El 3 de noviembre de 2000 su madre habría transmitido una queja por torturas a la oficina descentralizada de la Defensoría del Pueblo de Huancavelica. El 12 de diciembre Marino Fernández Sánchez habría sido sometido a un examen médico legal que señalaría "trastorno sensitivo, desnutrición, maltrato psicológico; asimismo, posible trastorno orgánico cerebral y cisticercosis".

1183. **Alejandro Ticlavilca Huere** y **Simial Reyes Salgado**, 13 años, habrían sido detenidos y agredidos por policías de la Comisaría de Carhuamayo, departamento de Junín, el 6 de marzo de 2000. La policía habría detenido primero a Simial Reyes Salgado quien habría sido obligado a firmar un documento incriminando a Alejandro Ticlavilca Huere y otras dos personas como supuestos autores de un robo. Al atardecer, éste habría sido detenido y conducido a empujones al puesto policial, donde habría sido golpeado y tirado al suelo y un policía le habría pisado la pantorrilla, otro el muslo y un tercero le habría apretado la cabeza con los pies jalándole el brazo hacia atrás. Tanto él como el menor de edad habrían estado detenidos hasta el 8 de marzo de 2000. En su momento no se realizaron los exámenes médicos pertinentes, supuestamente por negligencia de las autoridades. Considerándose favorecidos con el archivo de la denuncia de robo en su contra, los nombrados habrían optado por no llevar adelante la denuncia por tortura contra los policías.

1184. **Amador Carmen Canchaparán** habría sido detenido junto a otras 11 personas la noche del 19 de abril de 2000 en un operativo realizado por efectivos de la Base Contrasubversiva No. 314 de Yanag, provincia de Huánuco. Habría sido golpeado en la cabeza y en el cuerpo, sumergido en agua mezclada con sal y le habrían retorcido el brazo. A la mañana siguiente le habrían puesto un arma de fuego en la sien y luego en la boca, amenazándolo de muerte y la tarde del mismo día habría sido sometido a maltratos por dos militares encapuchados. La comida que le habrían llevado los familiares le habría sido negada. El 23 de abril le habrían doblado los brazos hacia atrás, golpeándolo en el suelo. Habría sido forzado a morder dos cables de electricidad sin aislamiento con la amenaza de conectarlos a la corriente. El nombrado habría sido obligado a firmar unos papeles sin conocer su contenido. Finalmente, habría sido amenazado de muerte para que no denunciara los hechos. Si bien un examen médico legal habría determinado que no presentaba señales en su cuerpo, un examen realizado por un médico particular certificaría la existencia de tumoraciones en cráneo y tórax. El 2 de mayo de 2000 se habría presentado una denuncia por tortura y abuso de autoridad contra los miembros de la Base militar de Yanag, entre ellos dos suboficiales.

1185. **Israel Cierto Guillermo** habría sido detenido por un suboficial del Ejército el 28 de mayo de 2000, en la localidad de Jacas Grande, Huamalíes, Huánuco. Habría sido conducido al centro cívico de la localidad, donde un soldado le habría propinado culetazos con un fusil FAL, golpes en el muslo izquierdo y en el lado izquierdo del pecho, a la altura del corazón, golpes en el brazo izquierdo, y lo habría estrangulado. La detención se habría prolongado por unas 20 horas y se le habría negado la alimentación. Un certificado médico señalaría entre otras lesiones, una fisura en una de las costillas. El 30 de mayo se habría interpuesto una denuncia por los delitos de lesiones graves y tentativa de homicidio contra el soldado en cuestión y el 3 de agosto de 2000 se habría ampliado la denuncia por los delitos de abuso de autoridad y de tortura en contra de dos personas. El 4 de octubre de 2000 se habría solicitado a la Fiscalía de Huamalíes-Llata que se inhibiera del conocimiento del proceso, a fin de que las investigaciones sigan siendo llevadas en Huánuco, aún quedarían pendientes la formalización de la denuncia y el auto de apertura de la instrucción.

1186. **Javier Ángeles Salas**, **Jorge Ramón Ángeles Salas**, **Alejandro Trujillo Rosas** y **Pedro Miguel Pajuelo Rosas**, todos internos del Penal de Potracancha en Huánuco, habrían sido transferidos el 1° de junio de 2000 en una parte del penal llamado "el bote". En dicho lugar habrían sido desnudados, bañados con baldazos de agua fría, golpeados y maltratados psicológicamente por el jefe de seguridad del penal, un teniente de la Policía Nacional del Perú (PNP), y otros siete policías. El hecho habría sido constatado y verificado al día siguiente por el fiscal provincial de turno, el inspector interno de la subregión de la PNP en Huánuco y el médico legista. Las personas previamente citadas presentarían equimosis y escoriaciones en diferentes partes del cuerpo. La fiscalía provincial de Huánuco habría abierto una investigación el 2 de junio de 2000 y habría ampliado la denuncia contra el teniente supuestamente responsable por el delito de tortura en agravio de los internos, pero el juez penal de Huánuco se habría negado a abrir instrucción por este delito. Al tomar conocimiento del caso, la Defensoría del Pueblo habría recomendado que los responsables sean detenidos por delito de tortura, constatando, además, irregularidades y negligencia en el desarrollo de las investigaciones.

1187. **Adrián Toledo Alva** habría sido detenido por efectivos de la base militar de Jesús Lauricocha, departamento de Huánuco, el 17 de junio de 2000. Habría sido encerrado en el calabozo de la municipalidad distrital de Margos, donde habría sido golpeado en la cara y en diferentes partes del cuerpo, ahogado en agua con sal y detergente, y le habrían aplicado ají en los ojos y en la nariz. En consecuencia, habría quedado con graves problemas de audición y visión, tendría frecuentemente dolores de cabeza y de columna y el daño psicológico habría sido grave. Un reconocimiento médico señalaría lesiones múltiples producidas por soldados del ejército peruano, y el 27 de junio habría sido examinado por un médico legista. El 22 de junio de 2000 se habría presentado una denuncia por el delito de tortura y de abuso de autoridad contra el director del colegio y miembros del ejército peruano de la base militar de Jesús - Lauricocha. El proceso se encontraría en la etapa de investigación judicial en el juzgado penal de Huánuco.

1188. **Aldo Mercedes Silvestre Ramírez**, enfermo de esquizofrenia paranoide, habría sido detenido sin orden judicial por efectivos policiales de la comisaría de Virú, provincia de Trujillo, departamento de La Libertad, el 4 de julio de 2000. En el momento de ser arrestado, habría sido golpeado con varas de goma y llevado a la comisaría de Virú, donde habría sido golpeado en la cara y en el estómago y arrastrado por el suelo. Asimismo, habría sido revolcado en tierra y luego mojado y habría sido agredido psicológicamente. Su madre habría asistido a una parte de los malos tratos a los que habría sido sometido Aldo Mercedes Silvestre Ramírez. El 7 de julio de 2000, se habría resuelto abrir una investigación.

1189. **Bernardino Mamani Mamani** y su hijo **Marco Antonio Mamani Yufra**, 12 años, habrían sido intervenidos por policías de la comisaría del distrito de Ilabaya, provincia de Jorge Basadre, departamento de Tacna, el 7 de julio de 2000. En la comisaría el menor habría sido desnudado, bañado con agua helada y golpeado por el jefe de la delegación policial, con el fin de hacerle confesar un supuesto robo que habría cometido. El padre habría sido sometido al mismo tipo de maltratos. Un certificado médico realizado el 10 de julio de 2000 señalaría que Bernardino Mamani Mamani presentaba lesiones en la zona lumbar y en el muslo izquierdo. Los nombrados habrían sido objeto de amenazas por parte de los policía involucrados, motivo por el cual habrían desistido en la presentación de una denuncia.

1190. **Juan Carlos Garay Pereyra** habría sido detenido por efectivos de la comisaría de La Natividad, en Tacna, el 8 de julio de 2000. En el trayecto a la comisaría habría recibido golpes en el cuerpo, y una vez allí habría sido colgado con las manos sujetas atrás, golpeado en la nuca con un revólver y habría sido amenazado con un arma por varios policías. Estos hechos habrían sido corroborados por un examen medico realizado el 13 de julio de 2000. El mismo día su madre habría formulado una denuncia por abuso de autoridad y lesiones contra miembros de la policía y habría solicitado garantías para su persona y su familia por haber sido amenazados por dicho policía. El 23 de noviembre de 2000 el fiscal provincial de Tacna habría resuelto no formalizar la denuncia penal presentada por tortura y habría dispuesto el archivo del caso. Se habría presentado un recurso de queja contra dicha resolución, sobre el cual aún no se habría obtenido respuesta.

1191. **Jesús Wilber Asto Abanato** habría sido detenido en las inmediaciones del Palacio de Gobierno, Lima, el 28 de julio de 2000, cuando estaría auxiliando a un herido en la "Marcha de los Cuatro Suyos". Habría recibido el impacto de una bomba lacrimógena en la parte posterior de la pierna derecha. En el momento de su detención, aunque informó de esta herida a los policías, éstos lo habrían golpeado, incluso en la pierna lastimada. Habría sido conducido hacia un destacamento policial improvisado en la vieja estación ferroviaria de Desamparados, donde habría sido sometido a malos tratos. En el camino hacia allí, numerosos policías lo habrían golpeado en la cabeza y en todo el cuerpo. El 31 de julio de 2000, un examen médico confirmaría las lesiones sufridas. También habría señalado que la extrema tensión sufrida habrían desencadenado síntomas de esquizofrenia en él. El 9 de agosto de 2000 se habría presentado una denuncia penal, aunque ésta no habría sido formalizada ante un juez.

1192. **Roberto Carlos Gómez Arévalo** habría sido detenido sin mandato judicial el 28 de julio de 2000, cuando se encontraba en las escaleras del atrio de la Catedral de Lima. Habría sido conducido por dos efectivos policiales a un destacamento policial acantonado en la estación ferroviaria de Desamparados, donde habría sido golpeado en la cara y en el cuerpo. Los exámenes médicos habrían constatado diversas contusiones en su cuerpo. El 7 de agosto de 2000 se habría presentado una denuncia penal, por tortura, bajo la figura jurídica de comisión por omisión, contra el Director General de la Policía Nacional. La denuncia aún no habría sido formalizada ante un juez. En los días posteriores, él y su familia habrían sufrido intimidaciones ante las cuales habrían pedido garantías al Ministerio del Interior y a la Prefectura de Lima.

1193. **Ronald Enrique Peña García**, recluta en la base de la Fuerza Aérea "el Pato" en la ciudad de Talara, Piura, habría sido mantenido incomunicado desde el 23 de julio hasta el 30 de julio de 2000. Durante la incomunicación, habría sido interrogado y golpeado por miembros de la Fuerza Armada. Asimismo, habría sido sumergido en una tina con detergente y quemado en los dedos de la mano izquierda por un teniente. El 11 de agosto de 2000, habría fallecido en la base aérea, producto de una herida de bala de fusil FAL, en circunstancias extrañas. Diversos testigos señalarían que el fallecido habría sido sometido a torturas antes de morir. El caso se encontraría ahora en etapa de investigación fiscal.

1194. **Luis Enrique Rojas Vásquez** habría sido detenido por efectivos policiales el 3 de agosto de 2000. Habría sido conducido al puesto policial del distrito de Pueblo Nuevo, en Chincha, donde lo habrían golpeado, esposado e introducido violentamente en un auto para trasladarlo a la delegación policial de Chincha Baja. Asimismo, habría sido sometido a interrogatorios en medio de golpes y amenazas de muerte. Al momento de ser bajado del coche, un policía habría simulado encontrar cierta cantidad de droga, indicando que pertenecía a Luis Enrique Rojas Vásquez, aunque éste se habría encontrado esposado y maltratado en todo momento y no habría tenido la posibilidad de esconder la droga en el vehículo. Habría sido mantenido bajo detención preventiva 15 días, durante los cuales habría sido repetidamente golpeado, llegando incluso a autolesionarse los brazos para evitar ser conducido a otro lugar fuera de las instalaciones policiales. Dos exámenes médicos realizados el 6 y 9 de agosto de 2000 señalarían distintas lesiones. Se habría presentado una denuncia por tortura contra tres policías, la cual se habría archivado para formalizarla por abuso de autoridad. Tres días más tarde se habría presentado una queja contra dicha resolución, la que fue calificada de extemporánea en base a un argumento falso, al señalar una fecha de notificación diferente a la originalmente consignada.

1195. **Jorge Jerí Juscamaita** habría sido intervenido y obligado a bajar del vehículo a empujones por un teniente y otros efectivos policiales el 4 de agosto de 2000 mientras conducía por la localidad de Huamanga, Ayacucho. Asimismo, habría recibido golpes en la cabeza, la cara y la rodilla izquierda, causándole el desgarramiento de los ligamentos de la rótula.

El mismo teniente lo habría llevado al médico legista, quien en su informe señalaría la existencia de diversas heridas y tumefacción e impotencia funcional de rodilla derecha, ocasionados por agente contundente duro. Por otro lado, el Hospital de Apoyo de Huamanga habría confirmado las lesiones de la víctima. El 22 de agosto de 2000, Jorge Jerí Juscamaita habría interpuesto una denuncia y se habría solicitado al fiscal provincial penal excusarse de conocer la investigación por inconducta funcional, pero el 31 de agosto la fiscalía habría declarado infundada la petición. El 15 de septiembre se habría interpuesto recurso de queja contra dicha resolución.

1196. **Esperanza Mendoza Auqui**, miembro del Comité de Administración del Programa del Vaso de Leche de la Municipalidad de Huamanga, habría sido violentamente interceptada, amedrentada y golpeada por un grupo de efectivos del Serenazgo municipal el 27 de agosto de 2000, al intentar ingresar, en compañía de otras madres de familia, a una reunión de dicho comité. Un examen médico habría corroborado la existencia de lesiones ocasionadas por un agente contundente duro. El 13 de octubre de 2000, se habría interpuesto una denuncia ante la Fiscalía Provincial de Huamanga por delito de tortura contra la regidora del Consejo Provincial de Huamanga y contra el jefe del Serenazgo de la municipalidad. El proceso se encontraría en etapa de investigación fiscal.

1197. **Lenin Euclides Castro Mendoza**, recluta, habría llegado en estado etílico a la base del ejército "El tajo", situada en el Centro Poblado Menor de Paragsha, distrito de Simón Bolívar de Rancas, en Cerro de Pasco, el 9 de septiembre de 2000. Por llegar ebrio, habría sido golpeado a puntapié a la altura del tórax por un suboficial. Habría sido conducido de emergencia al hospital, donde habría llegado sin vida. La investigación policial habría concluido que el suboficial era el presunto autor del delito contra la vida en modalidad de lesiones graves seguidas de muerte. El 15 de septiembre la policía habría derivado el caso al juzgado militar permanente de Huancayo. Se estaría preparando una denuncia penal por el delito de tortura.

1198. **Pastor Pilco Cotrado** habría sido agredido por efectivos policiales de la ciudad de Tacna el 25 de septiembre de 2000. Habría recibido patadas, puñetes y varazos y habría quedado inconsciente. Las lesiones sufridas constarían en un vídeo registrado por un camarógrafo de la televisión de Tacna, en el que se vería que Pastor Pilco Cotrado habría sido objeto de una golpiza por parte de los policías. Un certificado médico del 9 de octubre de 2000 confirmaría estas lesiones.

1199. **Jhon Manuel Huamán Jara** habría sido detenido por efectivos policiales el 8 de noviembre de 2000 y llevado a las instalaciones del Departamento de Investigación Criminal (DEINCRI) - Tacna, bajo el cargo de supuesto homicidio. Allí habría recibido numerosos golpes en la cara y en el cuerpo, le habrían embutido arena en las orejas y le habrían aplicado corriente eléctrica en los testículos. Al haber sido supuestamente amenazado no habría presentado ninguna denuncia sobre los malos tratos.

1200. **Carlos López Flores** habría sido intervenido por dos policías y un sujeto vestido de civil el 27 de noviembre de 2000, en la provincia de Ayacucho. Los policías lo habrían acusado de estar involucrado en una investigación por tráfico ilícito de drogas, habría sido golpeado por estos tres sujetos en diversas partes del cuerpo y habría sido impactado con proyectiles de arma de fuego. El 30 de noviembre, habría fallecido debido a la gravedad de los golpes recibidos y las heridas producidas por impactos de bala. El 13 de diciembre se habría interpuesto una denuncia por tortura con lesiones seguidas de muerte contra efectivos policiales de la DININCRI de Huamanga y el proceso se encontraría pendiente de investigación en la fiscalía provincial de Ayacucho.

1201. **Sara Enedina Arrieta Azcárate** sería objeto de hostigamiento desde que el 7 de marzo de 2001 habría presentado una denuncia por tortura ante el ministerio público en agravio de su hijo, Frank Alfredo Romero Arrieta, de 18 años. Éste habría sido objeto de torturas por parte de efectivos de la Fuerza Aérea Peruana en la base aérea Las Palmas, provincia de Lima. El 16 de mayo de 2001, un desconocido se habría parado delante de la casa de Sara Enedina Arrieta Azcárate y habría empezado a tomar fotografías de ella y de su domicilio. Cuando otro familiar se habría interpuesto y habría pedido al individuo que se identificara, éste se habría retirado pero habría permanecido en los alrededores durante media hora aproximadamente.

1202. Por la misma carta el Relator Especial recordó al Gobierno varios casos transmitidos en 1998 y 1999, respecto a los cuales no había recibido respuesta.

1203. Con fecha de 24 de octubre de 2001, el Relator Especial, junto con el Relator Especial sobre ejecuciones extrajudiciales, sumarias o arbitrarias, notificó al Gobierno que había recibido información sobre los siguientes casos.

1204. **Moisés Pacco Mayhua** habría muerto en la comisaría de Macusani, provincia de Puno, el 30 de agosto de 1999. Ese mismo día habría sido torturado por los policías, que le habrían acusado de robar en la comisaría. Según la autopsia, la muerte habría sido provocada por un traumatismo intra-abdominal, un choque hipovolémico y una hemorragia interna. El 8 de septiembre de 1999 los policías implicados habrían sido acusados de un delito de tortura seguida de muerte y se habría abierto una investigación judicial en la que habría pruebas de que se habían infligido torturas. Se habría ordenado la comparecencia de dos policías ante el tribunal, pero a finales de noviembre de 2000, aún no se habrían presentado.

1205. **Esteban Miñán Castro** habría muerto el 14 de noviembre de 1999 como consecuencia de las torturas supuestamente sufridas a manos de unos funcionarios de la cárcel de Tambo de Mora, en la provincia de Chincha. El médico del centro penitenciario habría confirmado que esta persona habría muerto en una habitación de la cárcel, donde habría sido trasladada a la fuerza y golpeada por los funcionarios. La autopsia establecería como causa de muerte las graves lesiones sufridas. En mayo de 2000 la Corte Superior de Chincha habría ordenado la detención de los funcionarios implicados. En noviembre de 2000 aún se encontrarían en libertad.

1206. **Alejandro Damián Trujillo Llontop** habría sido detenido el 1° de marzo de 2000 por miembros de la División de Servicios Especiales en Lima que se lo habrían llevado en un camión militar. Dos semanas más tarde su padre habría denunciado su desaparición y, tras una investigación interna, la División de Servicios Especiales habría negado dicha detención. En mayo, su familia habría sido informada de que se habría hallado un cadáver en las playas de El Callao, departamento de Lima, el cual habría sido identificado como el de Alejandro Damián Trujillo Llontop. Según la autopsia, la muerte se habría producido el 1 de marzo de 2000 y habría revelado que el fallecido había sufrido graves heridas. Su familia habría presentado una denuncia ante el ministerio público.

1207. **Nelson Díaz Marcos** habría sido detenido el 12 de mayo de 2000 en presencia de su esposa, Genoveva Inchuña, en las inmediaciones del Centro Educativo "Juan María Rejas" del distrito de Pachía, departamento de Tacna. En la comisaría de Pachía, en Tacna, habría sido objeto de maltratos por dos policías. Su cuerpo sin vida habría sido encontrado posteriormente en el hospital de Calana, el cual presentaría huellas de asfixia en el cuello, tabique nasal roto y de color negro, pecho morado y con señales de golpes, carne desgarrada y ensangrentada en las palmas, dedos de las manos y rodillas, brazos morados, pómulo izquierdo amoratado y hundido y marcas en la espalda. Se habría presentado una denuncia por el delito de tortura seguida de muerte. El 12 de junio de 2000, la persona que llevaba la denuncia habría sido amenazada de muerte. El 27 de junio el fiscal provincial de Tacna habría formalizado la denuncia por tortura y contra la función jurisdiccional. El caso estaría pendiente de una resolución de la Corte Suprema.

1208. **José Luis Poma Payano** se habría presentado a la Fuerza Aérea en junio de 2000 para prestar servicio militar. Posteriormente habría empezado a ser sujeto a malos tratos por parte de sus compañeros y superiores. El 10 de noviembre de 2000 se habría evadido de la base aérea y habría explicado que allí abusaban de él. Como consecuencia de la denuncia que habría efectuado su madre, los efectivos de las fuerzas armadas se habrían comprometido a investigar el caso y un comandante se habría hecho responsable de su seguridad. El mismo día habría sido hallado muerto a consecuencia de un disparo de arma de fuego. La Dirección de Información de las fuerzas armadas habría señalado que se había suicidado, pero el certificado de defunción contradeciría esta versión. El 13 de noviembre de 2000 se habría presentado una denuncia penal ante la Fiscalía por delito de tortura psicológica contra un coronel y un comandante del centro donde prestaba su servicio militar el fallecido. Se habría solicitado la exhumación del cadáver para conocer con exactitud las causas de su muerte. El proceso se encontraría en la Fiscalía penal, en la etapa de investigación.

1209. **Jenard Lee Rivera San Roque**, antiguo miembro del ejército peruano, habría fallecido en la comisaría de Cruz Blanca, el 9 de mayo de 2001. El 5 de mayo de 2001, el nombrado habría sido detenido y trasladado a la comisaría de Cruz Blanca. Después nueve agentes de policía lo habrían acompañado a su domicilio, donde habrían permanecido durante todo un día, sometiéndolo a malos tratos y golpeándole con una cadena. El acceso a la casa habría sido prohibido al resto de la familia y, cuando éstos pidieron explicaciones a la policía, les habrían respondido "lo que le estamos haciendo ahora no es nada, lo que le vamos a hacer pasar después es peor". Posteriormente, Jenard Lee Rivera San Roque habría sido conducido otra vez a la comisaría, donde el 9 de mayo de 2001 habría sido encontrado sin vida en su celda. A pesar de que su cuerpo y su cara presentarían heridas compatibles con las alegaciones de tortura, la policía habría declarado que se habría ahorcado. Al día siguiente, **su familia y otros vecinos de San Bartolomé** habrían organizado una manifestación delante de la comisaría de Cruz Blanca, en protesta por esta muerte. Durante la manifestación, la policía habría tomado fotografías de los participantes y más tarde habrían hecho preguntas sobre ellos. El 19 de mayo de 2001, la **Dra. Gina Requejo**, abogada de la familia afectada, habría recibido una llamada anónima intimidándola. Se han expresado temores por la seguridad de dichas personas.

Llamamientos urgentes

1210. Por carta de 28 de septiembre de 2001, el Gobierno respondió a un llamamiento urgente enviado conjuntamente con los Relatores Especiales sobre ejecuciones extrajudiciales, sumarias o arbitrarias y sobre la independencia de magistrados y abogados y el Representante del Secretario General sobre los defensores de los derechos humanos el 6 de junio de 2001 sobre **Jenard Lee Rivera San Roque**. El Consejo Nacional de Derechos Humanos del Ministerio de Justicia (CNDH) informó de que la denuncia formulada por Migda Mirtha Rivera San Roque, a través del Comité de Derechos Humanos, por la comisión del delito contra la humanidad en la modalidad de tortura seguida de muerte, atribuida a los efectivos policiales miembros de la DISEVI Teniente PNP Julio César Oliva Cuneo y otros, se encuentra en proceso de investigación. En el mismo estado se encuentra el proceso administrativo disciplinario por la presunta comisión del delito de desobediencia y negligencia contra el SOB PNP Julio Castro Reyes y del SOT2 PNP Mario Mayta Yupanqui.

1211. El 6 de junio de 2001, el Relator Especial envió un llamamiento urgente conjuntamente con los Relatores Especiales sobre ejecuciones extrajudiciales, sumarias o arbitrarias, sobre la independencia de magistrados y abogados y el Representante Especial sobre los defensores de los derechos humanos sobre **la familia de Jenard Lee Rivera San Roque y otros vecinos de San Bartolomé**, un suburbio del departamento de Lima. Jenard Lee Rivera San Roque habría sido encontrado muerto en una celda de la comisaría de Cruz Blanca el 9 de mayo de 2001. Su cuerpo presentaría señales de tortura. Al día siguiente, su familia habría organizado, junto a otros vecinos de San Roque, una manifestación delante de la comisaría de Cruz Blanca, en protesta por esta muerte. Durante la manifestación, la policía habría tomado fotografías de los participantes y más tarde habrían hecho preguntas sobre ellos. El 19 de mayo de 2001, la **Dra. Gina Requejo**, abogada de la familia afectada, habría recibido una llamada anónima con el siguiente mensaje "no averigües más, no indagues más". Según la información recibida, tales intimidaciones podrían tener como propósito disuadir a la familia afectada y su abogada así como a los demás manifestantes de llevar ante la justicia los agentes supuestamente responsables de la tortura y muerte de Jenard Lee Rivera San Roque.

Información adicional facilitada al Relator Especial por el Gobierno

1212. El Gobierno informó que con fecha 4 de junio de 2001, mediante Decreto supremo No. 65-2001-PCM, se creó la Comisión de la Verdad en Perú, con el objetivo principal de esclarecer el proceso, los hechos y las responsabilidades de la violencia terrorista y de la violación de los derechos humanos producidos desde mayo de 1980 hasta noviembre de 2000. Esta Comisión enfocará su trabajo sobre los hechos de asesinatos y secuestros, desapariciones forzadas, torturas y otras lesiones graves, violaciones a los derechos colectivos de las comunidades andinas y nativas del Perú, y sobre otros crímenes y graves violaciones contra los derechos de las personas, siempre y cuando sean imputables a las organizaciones terroristas, a los agentes del Estado o a grupos paramilitares. Es de destacar, que esta Comisión no tiene atribuciones jurisdiccionales, por tanto no sustituye en sus funciones al poder judicial y al ministerio público. Por su parte, en cumplimiento de sus funciones, la Comisión podrá entrevistar y recopilar información, solicitar la cooperación de los funcionarios y servidores

públicos, practicar visitas, inspecciones o cualquier otra diligencia que considere pertinente, realizar audiencias públicas y diligencias necesarias para su labor, gestionar las medidas de seguridad para las personas que se encuentren en situación de amenaza a su vida o integridad personal, establecer canales de comunicación y mecanismos de participación de la población, y aprobar su reglamento de organización y funcionamiento internos. Este órgano iniciará su funcionamiento a partir de su instalación y tendrá un plazo de vigencia de 18 meses, el cual podrá ser prorrogado por cinco meses más. Por último, el decreto establece que la Comisión presentará un informe final al Presidente de la República y a los titulares de los otros poderes del Estado.

Philippines

1213. By letter dated 30 September 2001, the Special Rapporteur reminded the Government of a number of cases sent in 1998 and 2000 regarding which no reply had been received.

1214. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information according to which women in the custody of law enforcement officials are particularly vulnerable to torture, including rape and sexual abuse. Most of the victims are said to be members of socially disadvantaged groups, including suspected prostitutes, street children, drug addicts and other women considered to come from the lowest strata of society in general. It is reported that the police use article 202 of the Revised Penal Code, "the anti-vagrancy law", on a routine basis as a pretext to arrest women arbitrarily, extort money or subject them to sexual violence. In 1997, the United Nations Committee on the Elimination of Discrimination against Women criticized the discriminatory application of this law, noting that it was enforced against female sex workers but not against men involved as traffickers, pimps or clients. The allegedly vague wording of this law is also reported to leave it open to abuse by law enforcement officials.

1215. Women are believed to be particularly vulnerable to rape between the time of arrest and arrival at a police station. Following arrest, women detainees are reportedly taken to the local police station for questioning where they are allegedly held in a detention cell before being charged. It is reported that, although according to Philippine regulations male and female detainees are supposed to be segregated in police custody, women are held together with men in many police stations. It is also alleged that police officers sometimes offer to release women or to give them preferential treatment if they agree to have sex. This is said to occur despite article 245 of the Revised Penal Code which forbids public officers from making sexual advances towards female detainees. According to the information received, the Manila police have also been criticized for their practice of employing "errand girls" to carry out menial tasks in some police stations. In June 2000 the Philippine House Committee on Public Order and Security reportedly called on police officers to stop this practice, citing an incident during which, according to the Committee, a detained street girl had been raped at a police station in Luneta, Manila. It is reported that in most of the cases, victims of sexual abuses are reluctant to lodge a complaint, fearing that this would entail their being subjected to further sexual violence by other police officers. Furthermore, in a large number of cases, alleged victims are believed to refuse to pursue a case fearing reprisals against their families.

1216. The Special Rapporteurs have been informed that under Philippine law (Republic Act No. 7659, known as the Death Penalty Law of 1993 and Republic Act No. 8353, known as the Anti-Rape Law of 1997) law enforcement officials, including police and military officers, found guilty of raping a woman in their custody face a mandatory death sentence. The Special Rapporteurs are aware of four death sentences imposed on police officers following conviction. It is also reported that in two cases, police officers found guilty of raping of a woman in their custody had been given long prison terms. The Special Rapporteurs believe that, while it is commendable that the perpetrators of such crimes are brought to justice, their sentences should conform with internationally recognized standards for human rights.

1217. Medical reports in rape cases, when carried out, are reported to present irrelevant findings and to employ non-medical terminology such as "non-virgin state". The Special Rapporteurs would like to recall that lack of medical evidence of sexual penetration does not refute an allegation of sexual abuse and that the complainant's testimony must be impartially evaluated for consistency, credibility and coherence. In this context, the Special Rapporteurs would like to refer to the *Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the so-called Istanbul Protocol (recently published as Professional Training Series No. 8, Sales No. E.01.XIV.1), which states that "[e]ven during examination of the female genitalia immediately after rape, there is identifiable damage in less than 50 per cent of cases … anal rape shows lesions in less than 30 per cent of cases" (para. 220).

1218. Lodging a complaint against a police officer or prison official requires courage and often financial resources beyond the means of most victims. According to the information received, it is not unusual for a victim of rape by law enforcement officials to be threatened or pressured by the perpetrator into withdrawing her complaint. If the victim is from a disadvantaged social or economic group, as is most often the case, her chances of obtaining justice are said to be bleak.

1219. The Special Rapporteurs have also transmitted information on prison conditions. A number of women are reported to have been victims of sexual abuses, including rape, by prison officials. According to the information received, there have not been any successful prosecutions of prison officials for rape. It is alleged that in certain prisons, female and male detainees are not held in fully segregated areas, which is believed to lead to further abuses. Despite the fact that according to international standards and to the 1993 Manual of Standards and Policies issued by the Philippine Bureau of Corrections, women detainees should be attended and supervised only by women officers, it is reported that most of the prison guards and officials in women prisons are men.

1220. Material conditions in Philippine prisons are said to be poor and serious overcrowding seems to be one of the major problems. According to the information received, owing to the heavy backlog of court cases, detainees - many unable to pay money as surety for bail - may wait years for their trials to be concluded. The Special Rapporteurs have received reports of nutritional deficiencies and inadequate medical facilities, including lack of medicines in the prison infirmaries. Women who become pregnant as a result of custodial rape are said to face an additional set of traumas such as lack of access to proper medical care or counselling. Abortion is said to be prohibited. It is also reported that during the rainy season, parts of some jails, like the Manila City Jail, become badly flooded. Contaminated flood waters may carry various bacteria causing diseases such as cholera, typhoid fever and other enteric infections to spread among the detainees. Respiratory diseases such as tuberculosis are allegedly common, and according to the information received, a number of inmates had been found to have contracted leptospirosis, a potentially fatal disease carried by rats.

1221. Finally, the Special Rapporteur advised the Government that at least 12 Muslim women were allegedly raped by military personnel in the provinces of Sultan Kudarat, Maguindanao and Lanao del Sur in Central and Western Mindanao. It is believed that the number of victims of sexual abuse by soldiers may be higher. However, women are said to be reluctant to report the rapes to the authorities, for fear of reprisals. No official investigations into these allegations are known to have been ordered.

1222. In particular, the Special Rapporteur transmitted information on the following individual cases.

1223. **A 17-year-old girl** was reportedly arrested in February 1999 by Quezon City police officers, along with two other women, on suspicion of involvement in a robbery. While in detention at the women's detention cell of a Quezon City police station, she was taken by a police officer into a dark room where she was allegedly raped. She is said to have been brought back later that night to the same room, where she was sexually abused by a second man, believed to be a radio reporter. On 12 February 1999 she was reportedly examined by a male police doctor, who is said to have concluded that she was "in a non-virgin state" and that he could find no external signs of trauma. The police officer allegedly admitted questioning her twice during that night but denied having raped her. An investigating prosecutor dismissed her complaint against the accused police officer and radio reporter for lack of evidence. However, this decision is said to have been subsequently overturned by the Chief Prosecutor who recommended the filing of criminal charges for rape and acts of lasciviousness. It is reported that the accused persons were neither detained, nor charged. In May 1999 and again in June 1999 the girl and the accused police officer were summoned to appear at separate hearings for grave misconduct before the People's Law Enforcement Board. It is not known whether these hearings took place. As the girl was allegedly unable to pay bail of 100,000 pesos for her release, she was reportedly transferred to Quezon City Jail where she is thought to remain, awaiting trial in connection with the robbery charge against her.

1224. **A 21-year-old woman** suffering from mental illness is reported to have been raped by three police officers in June 1999. She had been arrested allegedly for "loitering" in the vicinity of the international airport, in Manila. It is reported that the police officers dumped the woman's unconscious body from a police patrol car, after reportedly taking her to an unknown location instead of to the local police station. The three police officers were subsequently suspended pending official investigation but it is not known whether they were facing criminal charges for rape.

1225. **A 17-year-old girl,** detained at Dagupan city jail on suspicion of involvement in a homicide case, reportedly accused in January 2000 the former jail warden and 11 guards of raping her. She was allegedly threatened with guns and forced to drink alcohol and to perform oral sex. Her attempts to complain and requests for medical treatment were reportedly ignored until she was eventually admitted to a clinic, complaining of severe pain in her genitals and suffering from a sexually transmitted disease.

1226. **A 24-year-old woman** was reportedly arrested by three police officers of the Western Police District in Malate, Manila, in September 2000. The officers reportedly released her without charge after forcing her to perform oral sex inside a police car, threatening her and robbing her of a large amount of money which they ordered her to withdraw from her bank account. The police officers, who were allegedly reassigned to new jobs after the incident, were still at liberty several weeks later despite the fact that they were said to be facing charges of rape and robbery.

1227. **A 22-year-old woman** detained at Antipolo city jail was reportedly raped in January 2000. She had allegedly been detained for a minor crime and was reported to have been repeatedly abused and threatened by a police officer. In September 2000 she gave birth to a baby, allegedly conceived as a result of the rape. In November 2000, the then Secretary of the Interior and Local Government, Alfredo Lim, reportedly ordered an investigation against a senior police officer accused of having repeatedly raped her.

1228. **An 18-year-old woman** was arrested late at night outside a store in Malate, Manila, on suspicion of violating the anti-vagrancy law in April 2000. It is reported that instead of being taken to the local police station, she was brought to a private jeep, forced inside and raped at gunpoint by two police officers and a third man. The three men were said to have been arrested and detained for questioning while criminal and administrative charges were being prepared against them.

1229. **A 38-year-old woman** is reported to have filed a complaint with the Office of the Ombudsman against the warden of Talavera district jail, Province of Nueva Ecija. According to the information received, she complained that the jail warden raped her four times in late 2000, made her pregnant and then forced her to abort the child. He allegedly also threatened to kill her.

1230. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information according to which in June 1996 at least seven people were arrested in connection with the murder of Rolando Abadilla, the former Vice-Governor of Ilocos Norte Province and former member of the Intelligence and Security Group, the intelligence unit of the Philippine Constabulary, which is said to have been implicated in grave human rights violations, including torture. Those arrested in connection with his murder, **Joel de Jesus, Lorenzo de los Santos, Cesar Fortuna, Rameses de Jesus, Lenido Lumanog, Romeo Costibolo** and **Augusto Santos**, were reportedly subjected to torture. No investigations into their allegations are said to have taken place.

1231. **Joel de Jesus** was reportedly arrested by armed plain clothes police officers on 19 June 1996 in Fairview district, Quezon City. In the police van, he was reportedly blindfolded with packaging tape and beaten. During incommunicado detention in an unofficial place of detention, he was reportedly questioned about the Abadilla killing, beaten, kicked, a plastic bag put over his face and hit in the stomach with a rifle. As a result, he later confessed to involvement and supplied the names of Lorenzo de los Santos, his nephew, Augusto Santos, and Rameses de Jesus. He was taken to the house of Rameses de Jesus in Fairview, where the police arrested Cesar Fortuna, then to Lorenzo de los Santos's house where he too was arrested. Joel de Jesus was reportedly made to sign a confession and kept incommunicado until 24 June 1996 when, during a press conference at the Philippine National Police (PNP) headquarters, he named alleged accomplices, including Lenido Lumanog and Romeo Costibolo. On 25 June, he was charged. On the same day, a medical examination detailed external injuries on at least four of the other suspects. The next day, Joel de Jesus retracted his signed confession, alleging torture, and on 13 September 1996, filed charges against named police officers. On 11 August 1999, he was found guilty and sentenced to death. The judge allegedly ruled that the allegations of coercion had not been proved and that Joel de Jesus's signed confession of 21 July 1996 was admissible as evidence. Joel de Jesus and Cesar Fortuna, Rameses de Jesus, Lenido Lumanog and Augusto Santos were reportedly transferred to the Muntinlupa national penitentiary.

1232. **Lorenzo de los Santos** was reportedly blindfolded and handcuffed at the time of his arrest and struck on the mouth and head in the car, as men shouted at him that he was the killer of an unnamed man. During interrogation, a plastic bag was reportedly placed over his head several times; every 10 to 15 minutes he was subjected to electric shocks, including to his genitals, as a result of which he confessed to involvement in the killing. On 26 June 1996, during a meeting with lawyers from the Philippine Commission on Human Rights at the Camp Crame Custodial Centre, he reportedly retracted his signed confession and said that he had been coerced through torture. In August 1999, he was acquitted.

1233. **Cesar Fortuna**, a serving police officer renting a room with Rameses de Jesus, was reportedly handcuffed, blindfolded with packaging tape and brought to a Police Assistance and Reaction against Crime (PARAC) office where he was questioned about the latter's whereabouts on 19 June 1996. A plastic bag was allegedly placed over his head. On 21 June 1996, he was reportedly forced to lay, blindfolded and naked, on a bench covered with a sheet of iron, had ice-cold water poured over his body, ice placed on his genitals and a wet towel over his face and mouth, and was given electric shocks. The metal cuffs allegedly cut into his wrists and ankles, he was reportedly deprived of food and water, and was forced to eat faeces and drink urine. On 24 June, a police doctor reportedly noted wounds, especially on his wrists and ankles, which the police claimed had been caused by reasonable force used during arrest. On 26 June 1996 and 18 November 1996, Cesar Fortuna reportedly made a statement alleging torture and forced confession in support of criminal charges filed against the police officers. In August 1999, he was found guilty and sentenced to death.

1234. **Rameses de Jesus** was reportedly arrested on 20 June 1996 while he was driving back to Manila from Pampanga Province with Lenido Lumanog and Romeo Costibolo. He was blindfolded, struck with fists and gun butts on the back of the head and taken into an unidentified building, where he was allegedly interrogated about Cesar Fortuna, Lorenzo de los Santos and other suspects. He was reportedly subjected to electric shocks and a plastic bag placed over his head. He was reportedly hit with pieces of wood on his thighs and the back of his head, threatened with death and denied legal representation until he appeared before the prosecutor on 25 June 1996. In 1999, he was convicted and sentenced to death.

1235. **Lenido Lumanog** was reportedly arrested on 20 June along with Rameses de Jesus and Romeo Costibolo, blindfolded with packaging tape, handcuffed with his hands behind his back and struck on the torso and head. Blindfolded, he was allegedly interrogated about the Abadilla killing. Plastic bags with water were reportedly wrapped around his head, his shirt was taken off, ice was put on his genitals, a wire was wrapped round his toe and he was subjected to electric shocks. He was allegedly beaten, kicked on his back and threatened with death. He was reportedly denied access to a lawyer until brought before the prosecutor on 25 June 1996. In 1999, he was reportedly found guilty of Abadilla's murder and sentenced to death.

1236. **Romeo Costibolo**, a former policeman, was reportedly also blindfolded and taken to a "safe house" where, on 21 June 1996, he was struck on the face and stomach. During questioning over his alleged participation in the Abadilla killing, he was reportedly smothered with a wet towel and subjected to electric shocks. On 25 June 1996, he was allegedly taken before the prosecutor and charged with illegal possession of firearms; the charge was not pursued.

1237. **Augusto Santos**, the nephew of Lorenzo de los Santos, was reportedly arrested at his house on the evening of 26 June 1996, blindfolded, beaten and threatened with death to secure a confession that he had been paid by Joel de Jesus to participate in the killing of Abadilla. He was reportedly held incommunicado at Camp Karingal and to have been brought before a public prosecutor on 27 June 1996 for the inquest and the filing of charges. In 1999 he was reportedly found guilty and sentenced to death.

Portugal

1238. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information according to which article 243 of the Penal Code defines "torture, and other cruel, degrading or inhuman treatment" as "acts inflicting intense physical or psychological suffering or severe physical or psychological fatigue or involving the use of chemical substances, drugs or other natural or artificial means, intended to impair the victim's ability to make decisions or freely express his will". Article 243 punishes perpetrators of this crime with a prison sentence of between one and five years, while article 244, which covers "grave torture and cruel, inhuman or degrading treatment", provides for prison terms of between 3 and 12 years, and in cases leading to suicide or death as a result of such torture, of between 8 and 16 years. However, it is reported that many acts of cruel, inhuman or degrading treatment which are reported are not considered under article 243. It is alleged that cases of ill-treatment by law enforcement officers are often more likely to be considered crimes of common assault (*ofensas corporais simples*) under article 143 of the Penal Code. Currently, clause 2 of this article stipulates that any criminal investigation into such acts requires a judicial complaint by the victim; if there is no complaint, there will be no judicial action and the victim is denied a remedy. It is reported that in December 1996 the Minister of Justice indicated that article 143 would be reclassified a "public crime" (*crime publico*), for which the filing of a judicial complaint is automatic; therefore, judicial action in a case of alleged ill-treatment by a law enforcement officer would also be automatic, but only where the officer was suspected of having committed an offence by a *grave* abuse of authority. The Special Rapporteur would appreciate receiving information, including statistical information, on the status of articles 143 and 243.

1239. The Special Rapporteur transmitted information on the following individual cases.

1240. **Carlos Zurita,** brother-in-law of King Juan Carlos of Spain, was reportedly ill-treated in the Barrio Alto police station in Lisbon, where he was taken in February 1998 after two officers found that his car was illegally parked and he did not have identity documents on him. When he opened the glove compartment to retrieve the car documents, the police reportedly dragged him out of the car, threw him to the ground and handcuffed him. He was reportedly hit in the face and his ear was cut. The President of Portugal reportedly expressed his regrets to the King of Spain. A spokesperson for the Ministry for Foreign Affairs was said to have stated that "these regrettable things do happen".

1241. **Pedro Sousa** and **Pedro Azevedo e Silva** were reportedly subjected to ill-treatment by the police in Lisbon in January 1999, after a "Reclaim the Streets" festival. Pedro Sousa was allegedly held in handcuffs at rua Taipas police station without access to the toilet and later punched, kicked and insulted for two hours by a plain clothes police officer. The Inspecção-Geral da Administração Interna (IGAI), a high-level inspection and prosecution service within the Ministry of the Interior, allegedly confirmed the police violence. In the case of Pedro Azevedo e Silva, the police officer responsible was identified and disciplined; in the case of Pedro Sousa, this had reportedly not been possible. In September 1999, the Ombudsman reportedly asked IGAI to reopen the inquiry as it had not been sufficiently thorough and some witnesses had not been heard.

1242. **Jorge Manuel da Conceição Simões**, a former drug addict undergoing rehabilitation, was reportedly beaten on the head and chest when he refused to sign a confession while in police custody at Anadia police post in May 1999. He was reportedly later treated for his injuries at Anadia district hospital. A judicial inquiry has been opened.

1243. **Marco Fernandes** was reportedly beaten on the head with a radio by police officers while standing in a street in Câmara de Lobos, Madeira, between 23 and 24 September 1999, beaten on the head with a police radio and taken to Cape Girão, where he was threatened with being thrown over the edge of the cliff. He was allegedly driven to Ribeira dos Socorridos, almost throttled with a piece of iron, beaten on the head and kicked in the mouth and stomach. He was later treated at the Cruz de Carvalho hospital in Funchal and afterwards lodged a judicial complaint at the local police station. The regional police command in Madeira immediately opened an inquiry and disciplinary proceedings, which are said to have been transferred to IGAI.

1244. **Cândido Ventura Coelho** and his 17-year-old brother, José Carlos Coelho, both of Mozambican origin, were reportedly stopped on 27 December 2000 by two plain clothes officers in Damaia, in the Lisbon area, asked for identification and taken to the police station, where they were questioned. Cândido Coelho, who is reportedly suffering from a mental disability, reportedly replied in a muddled way about his age. He was reportedly pushed hard against a wall, kicked and repeatedly punched in the face and head until a second officer intervened. He was reportedly taken to the Amadora-Sintra hospital suffering from severe bruising, two black eyes and pains in his chest. A formal complaint was registered at the police station and the Judicial Police opened an inquiry.

1245. The Special Rapporteur has received information about the failure of the judicial and administrative systems to deal effectively with cases of torture and ill-treatment. Judicial and administrative or disciplinary proceedings may last for years, while police officers are believed to remain in their posts. It is reported that offenders are rarely brought to justice and the sentences pronounced are in general so light as to contribute to an atmosphere of relative impunity.

1246. In particular, the Special Rapporteur transmitted information on the following individual cases.

1247. **Dr Vaz Martins**, a lawyer of Cape Verdean origin, was allegedly forced to leave the police station in Alfragide at gunpoint in September 1996 after an argument about racism with the duty officer. In December 1994, he had reportedly been punched in the face and hit with a firearm at the same station, after which he lost most of the sight in his right eye, requiring 39 stitches and four operations. In 1999, IGAI reported that it found no evidence of misconduct by the police as regards the allegation of 1996. Regarding the 1994 incident, disciplinary proceedings against two officers had found no evidence "because Mr. Vaz Martins had an aggressive attitude towards the officers, which justified the use of force", but new preliminary investigations were being conducted.

1248. **Dr. Duarte Teives Henriques,** a lawyer, reportedly lodged a complaint that he had been seized, pushed to the ground, kicked and verbally abused by three police officers in July 1995 after challenging the lawfulness of an officer's order to move his car. He suffered a fracture of the lower left leg. He was reportedly detained for one night before being taken to hospital. He was reportedly charged, inter alia, with insulting authority. Internal disciplinary proceedings against the police were said to have been dismissed on the grounds that the police officers were not responsible for ill-treatment; however, no explanation was given as to who was responsible for the injuries sustained. In November 1999, IGAI reported that judicial proceedings were pending owing to a request for new investigations.

1249. **Rogério Alexandre de Almeida Camoesas** claimed he was beaten by a National Republican Guard (GNR) officer while walking with his girlfriend in a park in Penafiel in August 1995. A medical report confirmed that he had suffered "traumatic injuries" as a result of being beaten and had contusions on the lateral thoracic region and left arm. Rogério Camoesas and his father reportedly went to GNR headquarters to lodge a complaint but were refused entry. A lawyer subsequently filed a complaint. One of the witnesses was reportedly threatened and told not to give testimony. An inquiry is said to have ascertained that the officer had acted "violently" but in September 1996, the officer was acquitted by the military tribunal. The officer had reportedly told the court he had only had a "friendly conversation".

1250. The Special Rapporteur also transmitted information on the following cases of ill-treatment by prison guards.

1251. **Marcelino Avelino Ramos Soares**, a 17-year-old detainee in the south wing of Caxias prison, reportedly complained that on at least three separate occasions in September 1997, after protesting about a refusal to allow his brother to visit him, he had been seriously beaten and racially abused by a number of prison guards, after which he was confined for three days to a punishment cell. An internal inquiry into the allegations was reportedly closed for lack of evidence, but a criminal inquiry was said to be continuing.

1252. **Augusto da Conceição Mata**, a detainee at Vale de Judeus prison, Alcoentre, was reportedly brutally beaten by several guards in January 1998 and did not receive prompt medical assistance. He allegedly lodged a judicial complaint with the court at Cartaxo. The Director-General of Prison Services (DGSP) reportedly said that an internal inquiry was subsequently closed, but that a criminal inquiry was continuing.

1253. **Alberico A. Lopes Correia**, a detainee at Vale de Judeus prison, was allegedly beaten by several guards in January 1998, fracturing his nose. He was allegedly racially insulted and forcibly plunged into cold water. The DGSP reportedly indicated that an inquiry had found the allegations to be unfounded and that the prisoner had used violence against custodial staff, and that the force used against Alberico Correia was "necessary and proportional".

1254. **Belmiro Francisco Schaht Duarte dos Reis Santana**, a detainee at Caxias, was reportedly severely beaten by five guards in June 1997 after an argument with a guard. He was allegedly kicked and beaten on the arms and groin with truncheons, two of his teeth were broken and the rings on his pierced nipples were torn out leaving deep gashes in the flesh. He was reportedly denied immediate medical treatment and left in solitary confinement for a night. In July 1998 the Minister of Justice reportedly indicated that a prison guard had been charged with a breach of discipline in connection with the incident.

1255. **António Palma**, a detainee at Pinheiro da Cruz, who was said to be undergoing psychiatric treatment, was allegedly ill-treated in August 1999 when he refused to be locked into his cell at the end of the day. A group of between 8 and 10 guards, accompanied by two dogs and armed with batons and a riot shield, reportedly beat him to the ground, leaving marks across his back. He was reportedly taken to the prison infirmary and injected with medication. An inquiry was reportedly opened by the prison authorities. The Ministry of Justice allegedly stated that as he refused to take the medicine, force had to be used.

1256. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1257. **Francisco António Viceto Cordeiro** was reportedly found dead in a punishment cell at Vale de Judeus prison in September 1997, one day before his release. It is believed that Francisco Cordeiro had been beaten to death. The DGSP stated that the inquiry had been closed without having discovered any breach of discipline by prison guards, or by other prisoners.

1258. **Dionísio Alberto Oriola** was reportedly serving a sentence of three years and three months for theft from a domestic appliances store when he was reportedly found hanging in a punishment cell at Coimbra prison in July 1998 where he had been taken for psychiatric assessment. He was reportedly severely beaten by prison guards shortly before his death. He had reportedly staged a protest at Sintra prison earlier, apparently in protest at the conditions.

1259. **Carlos Manuel Gonçalves Araújo** reportedly died in police custody in December 1996, as a result of a gunshot wound to the back at a distance of about 3 metres when fleeing from Anti-Crime Brigade (BAC) officers in the centre of Évora. After his arrest, he and his two companions, **Luis António Gomes Alfama Correia** and **Sérgio Filipe**, 16, were allegedly beaten at the police station in Évora. Carlos Araújo was taken to Évora district hospital but was dead on arrival. A judge of the Évora criminal court reportedly ordered the provisional detention of the police officer suspected of shooting him. After being convicted of manslaughter in November 1998, the police officer was reportedly fined 1,500 escudos a day for 90 days, discounted by 48 days of pre-trial detention. During the trial, the officer stated that he had fired twice in the air. The judge reportedly praised the officer's honesty and attributed the fatal shot to "stress" and to inadequate training in the use of firearms.

Romania

1260. Par une lettre datée du 15 août 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements selon lesquels plus de 400 personnes, dont plus de 190 mineurs, auraient subi des mauvais traitements lors de leur détention entre 1997 et 2000. Un résumé de ces cas se trouve ci-dessous. Ces mauvais traitements auraient été infligés par des agents de police sans distinction de grade: de simples agents de police à des colonels et commandants. Des procureurs, ainsi que des avocats, souvent commis d'office, auraient parfois été témoins ou auraient même participé à ces mauvais traitements. Les coups de poing, de pied et de matraque seraient le plus fréquemment utilisés, ainsi qu'une méthode dite "du rouleau", qui consisterait à attacher une personne à une barre suspendue entre deux meubles et à la battre violemment, en particulier avec des matraques. La technique dite "macavela", qui consisterait à suspendre la victime les mains attachées derrière son dos et à la battre serait aussi communément utilisée. Suite aux mauvais traitements, rares seraient les détenus qui auraient été examinés par un médecin ou auraient reçu des soins médicaux pendant leur détention, et ce, malgré leurs plaintes et parfois leurs blessures apparentes. Peu de détenus examinés par un médecin auraient pu obtenir un certificat médical. Les enfants seraient exposés au même type de violence que les adultes et il semblerait que les enfants tziganes ou de nationalité étrangère soient plus souvent l'objet de mauvais traitements lorsqu'appréhendés par les forces de l'ordre. Dans la plupart des cas reçus par le Rapporteur spécial, les victimes de mauvais traitements auraient été arrêtées sans mandat et n'auraient eu accès ni à un avocat, ni à leur famille. Par ailleurs, cette dernière n'aurait souvent pas été informée de la détention de leurs proches, en particulier dans le cas d'arrestation de mineurs. Dans de nombreux cas, les personnes soumises à ces mauvais traitements auraient été obligées de signer des documents contre leur volonté ou sans pouvoir en connaître le contenu. Les plaintes déposées par les victimes de ces mauvais traitements ne seraient pas prises en considération par les autorités policières ou judiciaires. En particulier, lors de leur procès, un nombre de victimes se seraient plaintes du traitement auquel elles auraient été soumises lors de leur arrestation ou pendant les premiers jours de leur détention. Leurs plaintes n'auraient cependant pas été prises en compte par les magistrats.

1261. Le Rapporteur spécial a transmis des renseignements sur les cas individuels suivants.

1262. **Stefan** Achirei (16 juin 1998/Suceava) aurait eu la tête frappée avec une matraque. **Vasile Adochtei** (27 août 1998/Ipotesti, Botosani) aurait été frappé avec un marteau après avoir été déshabillé et menotté. **Constantin Agripina** (24 août 2000/Bacau) aurait été frappé avec une batte de base-ball et une corde. **Ionel Albu** (31 octobre 1999/Poduri, Bacau) aurait été menotté avant de recevoir des coups de poing et de matraque durant 30 minutes. **Mircea Aldea** (15 août 2000/Miercurea Ciuc) aurait eu des lésions dues aux coups reçus qui auraient été enregistrées dans un certificat médico-légal. **Cornel Alexandru** (2 décembre 1999/Galati) aurait été menotté et aurait reçu des coups de poing, de pied et de matraque. **Constantin Cristinel Amarandei** (24 août 1998/Teruci) aurait reçu des coups de matraque, de poing et de pied. Un agent lui aurait tiré un coup de feu dans la jambe. Son amie, qui était enceinte, aurait été frappée à l'abdomen en face de lui. **Mihai Amarandei** (27 septembre 1999/Comorna) aurait reçu des coups de poing et de pied. **Ioan Amariei** (6 octobre 1999/Onesti) aurait reçu des coups de pied et des coups de poing, aurait été giflé et menacé d'être soumis à la torture dite "du rouleau". Cela consiste à attacher une barre entre les bras et les jambes du détenu et de le suspendre entre deux meubles pour le battre. **Mihai Amarioarei** (24 août 2000/Bacau) aurait reçu des coups avec une barre et des coups de pied au foie, pendant près de deux heures. **Ferodin Amza**, de nationalité turque, (21 décembre 1998/Constanta) aurait été battu avec une matraque en caoutchouc. **Constantin Andrei** (22 mars 2000/Galati) aurait reçu des coups aux pieds et aurait été frappé sur la tête, le visage et la nuque et soumis à la méthode dite "du rouleau". **Dumitru Andries** (17 mars 1999/Suceava) aurait été frappé avec une paire de menottes sur la poitrine et piétiné pendant plusieurs nuits de suite. **Petrica Andrioae** (23 mai 2000/Iasi) aurait reçu des coups sur tout le corps, en particulier sur les pieds, à la suite desquels il se serait évanoui. **Iosif Angi** (avril 1998/Gheoghieni) aurait été frappé avec une matraque. **Attila Natal**, de nationalité hongroise, (12 juin 1998/Frumoasa, Haghita) aurait reçu des coups de poing sur le corps et le visage. **Daniela Antohi** (f) (6 août 1999/Braila) aurait été tirée par les cheveux et brutalement battue, ainsi que soumise à un chantage sexuel. Les mauvais traitements lui auraient provoqué une hémorragie et une fausse-couche. **Daniel Nestor**, son mari, aurait été passé à tabac. Dû aux coups, il aurait eu une crise d'épilepsie au deuxième degré. **Mihai Apostu** (2 juillet 2000/Brasov) aurait été frappé avec un bâton en bois, un couteau et une matraque en caoutchouc. Il aurait également été forcé de se mettre à quatre pattes et menacé avec un chien. Lors de sa détention, d'autres détenus lui auraient fait subir des abus sexuels et l'auraient frappé. **Constantin Apretesei** (17 juin 2000/Hemeiusi, Bacau) aurait reçu des coups de poing et des coups de pied. Il se serait évanoui. **Georghe Arghir** (28 janvier 2000/Piatra Neamt) aurait été frappé plusieurs fois, en particulier avec une matraque, dans le but de lui faire avouer un délit. **Nicu Ariton** (20 septembre 1997/Vaslui) aurait reçu des coups de poing, de pied et de matraque en caoutchouc sur tout le corps. **Ionel Artene** (14 août 1997/Barlad, région de Vaslui) aurait reçu des coups de matraque et de bâton ainsi que des coups de poing et de pied. **Stelica Cristinel Artin** (3 août 2000/Braila) aurait reçu des coups de matraque en caoutchouc, des coups de pied et de poing. Il se serait évanoui deux fois. Les mauvais traitements auraient duré deux jours et deux nuits pendant lesquels il ne lui aurait pas été permis de dormir. **Zeqir Asllani**, de nationalité albanaise, (29 août 1997/Pitesti) aurait reçu des coups de poing et de pied et aurait été soumis à la technique dite "du rouleau". Il aurait également été frappé à la tête avec un pistolet lors des interrogatoires. **Florin Avadanii** (19 octobre 1999/Bacau) aurait reçu des coups de pied. **Romeo Avadanii** (15 novembre 1999/Bacau) aurait reçu des coups de poing au foie. Son amie, **Carmen Sarbu**, aurait également été frappée. **Grigore Avram** (31 mai 2000/ Braila) aurait été giflé. **Dumitru Axente** (4 mai 1998/région de Tulcea) aurait reçu des coups de poing et de pied. **Gheorghita Azoitei** (13 octobre 1999/Poiana Teiului, Neamt) aurait reçu des coups de poing et de pied sur la poitrine. Il aurait aussi été couché sur une table et frappé avec une matraque. **Sandu Baciu**, un tzigane, (14 mars 2000/Galbenu, Braila) aurait été frappé avec la poignée d'une hache aux paumes, aux pieds et au dos. Il aurait reçu des coups de pied au dos et à la tête. Un de ses amis tziganes, **Marian Baciu**, aurait été frappé avec une matraque en caoutchouc. Il aurait été ensuite attaché à une chaise et frappé aux pieds. Il aurait eu des fractures à la tête et une côte déplacée. **Mihai Badea** (19 avril 1999/Bucarest) aurait été insulté et il aurait reçu des coups de poing et des gifles, et aurait été soumis à la technique dite "du rouleau". **Dorel Baicu** et **Angela Vlasceanu** (18 mai 2000/Bucarest) auraient été privés d'eau durant 10 heures. Ils auraient été interrogés et menacés. **Laviniu-Daniel Bajenaru** (5 mars 1999/ Galati) aurait été menotté à un radiateur, aurait reçu des coups de pied et de poing. **Gheorghe Balan** (14 mars 2000/Oseti, Padureni, région de Vaslui) aurait reçu des coups de matraque sur tout le corps, en particulier sur les dents et les jambes. Son cou aurait été piétiné. Sa femme, ses fils (voir ci-dessous) et sa belle-fille auraient également fait l'objet de ce type de brutalités. **Dumitru Balan**, son fils, aurait reçu des coups de matraque sur la tête. Sa femme aurait également été battue, ce qui aurait provoqué une fausse-couche. **Vasile Balica** (28 mai 1999/ Iasi) aurait été attaché à une chaise et frappé avec une matraque. Il aurait également reçu des coups de poing et de pied. Il se serait évanoui. **Gheorghe Baloseanu** (2 février 1997/Giurgiu) aurait été battu, insulté et humilié. **Pavel Milica Banica** (27 septembre 1999/Braila) aurait été frappé aux pieds et aurait reçu des coups de poing et de pied, et aurait été frappé contre une armoire. **Nelu Banka**, de nationalité hongroise, (14 décembre 1997/Odorheiu Secuisec), aurait reçu des coups de poing et de pied. Ensuite, il aurait été attaché à un radiateur et battu. Il se serait évanoui, mais le passage à tabac aurait continué. Il aurait été frappé sur les paumes des mains à plusieurs reprises. **Eduard Bantu** (7 novembre 1998/Galati) aurait été giflé et aurait reçu des coups de poing. Il aurait également reçu des coups de pied au dos, aux mains, aux jambes et à la poitrine. **Iozsef Barabas**, un tzigane, (15 févirer 1999/Odorheiu Secuisec) aurait été frappé avec une matraque en caoutchouc sur tout le corps et en particulier aux paumes. Il aurait reçu des coups de pied et sa tête aurait été écrasée contre un mur. **Constantin Barariu** (2 octobre 1998/ Suceav) aurait été giflé et aurait reçu des coups de poing. Ses mains auraient été menottées derrière le dos et on l'aurait ainsi suspendu à un crochet. Sa tête aurait été cognée contre un mur et contre une armoire métallique. **Dorinel Bazu** (15 mai 2000/Dragomiresti, Vaslui) aurait reçu des coups de pied et des coups de matraque. Il aurait été menacé de mort s'il ne se déclarait pas coupable d'un certain crime. **Istavn Beke**, de nationalité hongroise, (7 juillet 2000/Cristuru Secuiesc, Harghita) aurait été frappé avec une matraque en caoutchouc. Il aurait reçu des coups de pied et de poing sur tout le corps. Le passage à tabac aurait recommencé à trois reprises. **Tiberiu Bembe** (25 mars 1998/Toplita et cellules de Gheorghieni) aurait reçu des coups de poing, de pied et de matraque sur le ventre, le visage, la tête, les mains, les pieds et les côtes. **Alex Florin Benedek** (25 juillet 1999/Brasov) aurait reçu des coups de poing et de pied sur le visage. **Georgel Bercea** (26 mai 1998/commune de Racoviteni) aurait reçu des coups de pied et de poing sur les côtes, le foie et d'autres parties de son corps. Il aurait aussi été menacé de mort. **Marcel Bisoc** (23 juin 2000/Roman) aurait été frappé avec une batte de base-ball. Il aurait été soumis à la technique dite "du rouleau". **Petru Boboc** (juillet 1997/Lungani) aurait été battu et menacé avec une arme. **Ilie Bogatu** (27 juin 2000/cellules du poste de police de Turnu Magurele et de Scarisoara), aurait été soumis à la technique dite "du rouleau". Lorsque les agents l'auraient détaché, il se serait écroulé et il aurait reçu des coups de pied sur les côtes, les épaules et la tête. Il aurait été menacé. **Ion Bogdan** (24/25 février 1997/Bucares) aurait été passé à tabac. **Alin Bombi** (22 avril 2000/Piatra Neamt) aurait reçu des coups de pied aux côtes et des coups de poing sur tout le corps. Il aurait été menacé d'être soumis à la technique dite "du rouleau". **Marius Borodi** (18 octobre 1998/ Cluj) aurait été battu. Il se serait senti tellement désespéré qu'il se serait coupé le bras gauche. **Petru Bosinceanu** (20 décembre 1999/ Podul Iloaei, Iasi) aurait été frappé avec une lampe électrique et aurait reçu de nombreux coups de poing et de pied. **Adrian Bota** (13 juin 1997/ Brasov et Arad) aurait reçu des coups de pied et de poing et aurait été frappé avec une batte de base-ball sur les pieds. **Gheorghe Bozdorog** (3 mars 1998/ Vlasinesti, Botosani) aurait reçu des coups de pied sur la tête et sur la poitrine et aurait été frappé avec une matraque sur tout le corps. **Gheorghe Braniste** (2 février 2000/ Tichilesti) aurait été déshabillé et frappé avec une serviette. Il aurait reçu des coups de poing et de pied sur son ventre. **Daniel Brinz** (5 février 2000/Braila) aurait été frappé avec une matraque en caoutchouc sur tout le corps et aurait reçu des coups de pied et de poing sur le dos, les jambes et la tête. **Ovidiu Butucaru** (26 janvier 1997/Galati) aurait été frappé aux pieds, reçu des coups de poing sur la tête et des coups de matraque sur le dos. **Marius Claudiu Buzea** (16 avril 2000/Brasov et Sacele) aurait reçu des coups de pied à la tête et aurait été attaché aux pieds d'une table où il aurait été frappé avec un cendrier. Il aurait reçu des coups de poing et de pied. Il se serait évanoui. **Ion Calamuz** (31 décembre 1997/commune de Baleni, région de Galati) aurait été battu avec des bâtons en bois. Il aurait reçu des coups de pied et de poing sur tout le corps et aurait perdu conscience à plusieurs reprises. **Voirel Calinoiu** (15 décembre 1998/Iasi) aurait reçu des coups de poing sur la poitrine. **Mihai Calo**, un tzigane, (26 février 1998/ Odorheiu Secuiesc) aurait reçu des coups de matraque et de pied et aurait été soumis à la technique dite "du rouleau". **Petrica Caluian** (12 juin 1999/Galati) aurait été soumis à la technique dite "du rouleau". Sa tête aurait aussi été cognée contre un mur à plusieurs reprises. **Marian Cornel Caraman** (16 décembre 1999/Visani, Braila) aurait reçu des coups de pied, de poing et de matraque sur la tête, le corps, le dos et l'estomac. Il aurait été frappé sur les oreilles et tiré par les cheveux et sa tête aurait été cognée contre une table. **Corneliu Caraulea** (20 octobre 1998/Iasi) aurait reçu des coups de pied et de poing sur le ventre, la tête, les côtes et la poitrine, attaché à un radiateur. **Aurel Carburanu** (1er avril 1998/Braila) aurait reçu des coups de poing, de pied et de masque à gaz et aurait été soumis à la technique dite "macavela". Il se serait évanoui à plusieurs reprises et souffrirait d'une hernie. **Dragos Chiras** (15 novembre 1999/Botosani) aurait reçu des coups de poing et de pied. Ses doigts auraient été coincés dans une porte. Il aurait également été frappé avec des bâtons en bois et des matraques en caoutchouc. **Elena Chiriac** (f) (12 avril 2000/Constanta) aurait été battue et aurait reçu des coups de pied et de poing. Ses doigts auraient été tordus. **Sidor Chiriac** (10 janvier 2000/ Sarichioi) aurait été frappé avec une barre en caoutchouc sur tout le corps. **Petru Ciubotaru** (1er septembre 2000/Bacau) aurait reçu des coups de poing et de pied. Il aurait été battu jusqu'à ce qu'il s'écroule. Il aurait également été frappé avec un balai. Il aurait perdu conscience à plusieurs reprises. **Ionut Daniel Coibar** (27 juin 2000/Bacau) aurait été tiré par les cheveux et sa tête aurait été cognée contre les murs. Il aurait reçu des coups de poing, de pied et de matraque. **Doru Petrisor Coliu**, de nationalité macédonienne, (octobre-novembre 1999/Galati) aurait été battu, en particulier sur les reins. Quelques jours plus tard, il aurait eu une crise néphrétique et aurait été amené à l'hôpital régional où on lui aurait tiré dessus. **Trandafir Copali** (28 janvier 1998/Campulung) aurait été frappé sur la tête avec des morceaux de verre. **Costel Cordas** (2 mai 1998/prisons de Bucarest et de Tulcea) aurait été menotté et attaché à un lit, aurait été piétiné. Il aurait également été menacé de mort. **C. Dumitru Corduneanu** (30 janvier 1997/Veresti, Suceava) aurait été attaché à une porte, aurait reçu des coups de poing et des coups de pied sur son dos, reins et colonne vertébrale. Les mauvais traitements reçus lui auraient provoqué la dislocation de trois vertèbres et une insuffisance rénale. **Vasile Cornea** (12 janvier 1999/Braila) aurait été assommé et frappé sur la plante des pieds avec une matraque. Pendant deux jours, il aurait reçu des coups de pied et de poing à plusieurs reprises. **Aurel Costache** (3 février 1999/Ploiesti, Prahova) aurait reçu des coups de batte de base-ball, des coups de pied et des coups de poing. Un médecin aurait diagnostiqué un polytraumatisme, une commotion cérébrale, une contusion pectorale avec une fracture latérale d'une côte et une contusion abdominale. **Ratunzeanu Costel** (24 octobre 1999/ région de Braila, poste de police de la commune de Dudesti) aurait été frappé avec une matraque en caoutchouc et aurait reçu des coups de pied et de poing pendant plus d'une heure.

Georgel Costin (26 janvier 2000/Braila) aurait été soumis à la technique dite "du rouleau". **Dorin Costin** (14 septembre 1998/Bucarest) aurait été soumis aux techniques dites "du tapis" et "de la macavela". On aurait enfoncé une aiguille sous l'un de ses ongles et on aurait coincé ses doigts dans une porte. **Toma Cotoi** (18/20 février 1997/Braila) aurait reçu des coups de pied sur le ventre et la tête alors qu'il venait de se faire opérer de l'estomac. Suite aux coups, ses points de suture se seraient ouverts. **Florin-Dorin Covaliov** (11 septembre 1997/Galati) aurait été frappé avec une matraque et giflé et aurait reçu des coups de poing sur la tête. **Costel Craciun** (28 septembre 1997/bureau régional des enquêtes de Suceava) aurait été soumis à la technique dite "du tapis" et aurait ainsi reçu de nombreux coups de pied et de matraque. Il aurait également été obligé d'avaler des somnifères. **Bujor Cristea** (21 octobre 1999/Poiesti) aurait reçu des coups de matraque, de poing et de pied. **Vasile Cuceanu** (22 février 1998/département de Neamt) aurait été battu et soumis à la technique dite "du rouleau". Il aurait eu une côte et une arcade sourcilière cassées. **Marin Daniel** (3 juin 1999/Galati) aurait reçu des gifles et des coups de poing et de matraque. Il aurait été forcé de s'agenouiller sur une chaise et il aurait été battu sur la plante des pieds et la paume des mains. Il aurait été tiré par les cheveux.

Marius Lucian Dinu (29 mars 1999/Bucarest) aurait été menotté à un radiateur et aurait reçu des coups de poing et des coups de pied sur tout le corps. Il aurait également reçu un coup sur l'œil gauche avec la crosse d'un fusil. **Costica Dobrin**, un tzigane, (17 septembre 1999/Galati) aurait reçu des coups de poing, de pied et de matraque durant environ quatre ou cinq heures. **Daniel Marian Dragomir** (5 janvier 2000/Tulcea) aurait été soumis à la technique dite "du rouleau". **Nicolae Dragu** (7 août 1997/Braila) aurait reçu des coups de pied et de poing. Un instrument brûlant lui aurait été appliqué sur son bras. Après quatre jours, il aurait perdu conscience et aurait été amené à l'hôpital. **Irina Dragoi** (f) (3mai 2000/Iasi) aurait été frappée à la tête avec un gros agenda. Elle aurait reçu des coups de poing à la tête. **Tiberiu Duca** (30 juillet 2000/Ilfov) aurait reçu des coups de poing et aurait été frappé avec une matraque, en particulier sur les doigts. **Nicolae Dumitran** (3 avril 1998/Galati) aurait été soumis à la technique dite "du rouleau". Il se serait évanoui. On aurait frappé sur sa main droite avec une barre en bois jusqu'au point de la casser. **Mugurel Dumache** (17 février 1997/Slobozia) aurait reçu des coups de pied et de poing sur le visage, au ventre et aux côtes. **Ioana Dumitrana** (f) (1er février 2000/Braila) aurait reçu des coups de poing et des coups de pied au ventre. Elle aurait été menacée avec un couteau. Elle serait restée dans une cellule sans chauffage. Son mari, **Neculai**, aurait également été battu dans une pièce à côté. **Viorel Mitica Dura**, un tzigane, (10 juillet 2000/Birlad) aurait reçu des coups de poing et de pied et aurait été frappé avec une barre en bois. **Cristian Ebinca** (25 octobre 1999/Rimnicu Vilce) aurait été soumis à la technique dite "du rouleau". Il aurait ensuite reçu des coups de poing et de pied, et aurait été battu avec une matraque en caoutchouc. **Alexandru Enache** (17 mars 2000/Slobozia) aurait été violemment battu. **Gavril Fekete** (23 janvier 1997/Beius) aurait été durement frappé dans le but de le faire confesser. **Botond Janos Ferencz**, de nationalité hongroise, (4 mars 1998/Simleu) aurait reçu des coups de poing et de matraque sur les côtes, la tête et les organes génitaux.

Iulian Fieraru (26 juillet 2000/ Berceni, Bucarest) aurait été forcé à s'asseoir sur une chaise et aurait reçu des coups de poing sur les côtes, la tête et le ventre. Il aurait aussi reçu des coups avec des bâtons en bois sur la tête. Il aurait perdu conscience et aurait été réanimé quatre jours après son agression dans la salle des urgences. Il aurait eu une paralysie du côté droit.

Marian Filip (avril 2000/poste de police de Breaza) aurait été menacé de mort afin de lui faire signer des documents dont il ignorait le contenu. Il aurait reçu des coups de poing et de pied. Les coups lui auraient provoqué de fortes douleurs au foie. Il n'aurait pas été assisté par un avocat et n'aurait pas été examiné par un médecin. **Florin Fleican**, un tzigane, (30 juillet 2000/ Popesti Leonardi) aurait été menotté et forcé de s'agenouiller. Dans cette position, il aurait reçu des coups de pied et de poing à la tête et au ventre. **Romeo Florea** (25 mars 2000/poste de police de la commune de Plopanam, Bacau) aurait été maintenu à côté d'un fourneau chaud. Il aurait été frappé avec une barre de fer sur la tête, les mains et les pieds. Il aurait été frappé sur les organes génitaux. Il aurait reçu des coups de poing et de pied au ventre et aux côtes.

Viorel Florea (5 janvier 2000/poste de police de la commune de Margineni, Bacau) aurait reçu des coups de poing, de pied et de matraque sur tout le corps. Il aurait aussi été tiré par les cheveux. Il se serait écroulé et le passage à tabac aurait continué. **Ioan Fluierica** (1^er^ juin 1999/ Botosani) aurait été soumis à la technique dite "du rouleau". Il aurait reçu des coups de poing et de pied et aurait été frappé avec des bâtons en bois. Ses doigts auraient été coincés dans une porte. **Aurel Friza**, de nationalité moldave, (6 novembre 1998/Bucarest) aurait été électrocuté. Il aurait été attaché à des barreaux après avoir été brutalement battu. Il se serait évanoui.

Mihai Gabor (27 janvier 1997/Moinesti, Bacau) aurait été attaché à un radiateur, frappé avec une matraque et des chaises. Il se serait évanoui et on lui aurait jeté de l'eau. Il aurait reçu des coups sur la paume des mains, la tête, le dos et les pieds. **Ciprian Gabor** (11 mars 2000/Moinesti) aurait reçu des coups de matraque, de poing et de pied durant près de huit heures.

Octav Gaitan, un tzigane, (17 juillet 2000/Negri, Bacau) aurait reçu des coups de poing, de pied et de matraque au point de s'évanouir. Un de ses amis tziganes, **Ionel Gaitan**, aurait reçu des coups de pied, de poing et de matraque. Il aurait été ensuite transféré au poste de police de Bacau où le passage à tabac aurait continué. Il aurait eu des fractures aux côtes. Un troisième, **Florin Gaitan**, aurait été menotté et frappé avec une matraque. Il aurait également reçu des coups de poing. Il aurait été menacé de mort. **Ghenadii Ganu** (27 juin 1998/Eforie Sud, Constanta) aurait été menotté avec deux paires de menottes, aurait été frappé avec un pistolet sur la tête. **Andras Gergely**, de nationalité hongroise, (13 septembre 1998/Miercurea Ciuc) aurait été soumis à la technique dite "du rouleau". Il aurait été violemment battu durant plusieurs heures. Il aurait été forcé de s'agenouiller et d'embrasser les bottes des agents. Il aurait été déshabillé et humilié. Il se serait évanoui à plusieurs reprises. **Nela Ghenea** (f) (9 mai 1999/ Galati) aurait été frappée et poussée contre une armoire métallique plusieurs fois. Elle aurait été frappée aux mains et en particulier sur la plante des pieds avec une batte en caoutchouc.

Iftimia Gheorghe (f) (avril 1997/Barila) aurait reçu des coups de poing et des gifles et on l'aurait battue avec une serviette mouillée. **Gheorghe Gheorghe**, un tzigane, (24 février 1998/ Braila) aurait été soumis à la technique dite "du rouleau". Il aurait été sérieusement battu à coups de poing et à coups de matraque. Il se serait évanoui. **Vasile Glodean** (24/25 décembre 1998/ Petrova, Maramures) aurait été violemment battu. Il aurait reçu des coups de matraque et aurait été giflé. Il se serait écroulé cinq ou six fois. **Ioan Cristian Grigoras** (3 novembre 1999/Suceava) aurait été obligé d'avaler une quantité excessive de somnifères. Il aurait été soumis à la technique dite "de la macavela". Ses doigts auraient été coincés dans une porte. Il aurait été jeté au sol d'une hauteur de huit ou dix mètres. Il n'aurait été examiné par un médecin que 32 jours après son arrestation. Les mauvais traitements lui auraient provoqué, entre autres, une dislocation de la colonne vertébrale, des troubles mentaux et des problèmes urinaires et d'estomac. **Pavelica Sorinel Grigoras**, une tzigane, (septembre-octobre 1998/Cosmesti Galati) aurait été menottée à la grille en fer d'une porte, aurait reçu des coups de poing, de pied et de matraque. Dû aux coups elle aurait eu une paralysie. **Ion Cornel Grosu** (8 septembre 1998/ Pliesti, Prahova) aurait reçu des coups de poing et de pied, en particulier aux poumons. **Danut Cristian Guleoie** (6 août 2000/Succava) aurait été menacé et frappé avec une chaise. Il aurait en particulier reçu des coups sur la poitrine et sur les côtes. Il aurait également reçu des coups de pied et de matraque. **Tiberiu Gurdian**/ 25 avril 2000/Dorohoi) aurait été frappé sur la poitrine avec un objet en bois. Il aurait été battu avec des chaises et il aurait reçu des coups de poing et de pied. Il se serait évanoui à plusieurs reprises. Le passage à tabac se serait répété au cours de trois nuits. **Peter Gyorfos**, de nationalité hongroise, (11 janvier 2000/Cristuru Secuiesc, Harghita) aurait reçu des coups de poing, de pied et de matraque sur tout le corps et en particulier sur les côtes. **Viorel Haica** (18 août 1999/prison de Turnu Severin) aurait reçu une balle à la jambe et aurait été frappé sur la tête avec la crosse d'un pistolet. Son nerf sciatique aurait été atteint. **Gheorghe Hanea** (2 mars 1999/Galati) aurait été menotté à un radiateur, il aurait été frappé sur tout le corps, en particulier sur la tête. On lui aurait craché dessus. Il se serait évanoui. **Constantin Harpa** (2 septembre 1999/Hoghiz, Brasov) aurait eu le bras tordu et aurait reçu des coups de pied. **Ionel Hornet** (13 avril 1998/Chiscani Braila) aurait reçu des coups de pied, de poing et de matraque sur le corps et sur la tête. **Onita Hurmuz** (9 mai 2000/Tecuci) aurait été frappé avec une matraque sur le corps et la tête. **Dumitru Iamnitchi** (13 février 1997/ Radauti) aurait été frappé sur le thorax, les pieds et la tête. Le 27 avril 1997, il aurait été transféré à l'hôpital dans un état critique. **Dumitru Ichim** (30 décembre 1999/Ciortesti, Iasi) aurait été frappé avec une matraque et aurait reçu des coups de poing sur les genoux. Il aurait aussi été frappé sur les paumes des mains et aurait été tiré par les cheveux. **Robin Mugurel Ilie** (13 février 2000/ Brasov) aurait été frappé au visage. Il aurait été frappé avec un bâton en bois aux pieds et au ventre, ainsi qu'au dos et sur la tête. On l'aurait attaché à un radiateur et battu avec une batte de base-ball. **Petre Ilie, Gheorghe Nedelescu** et **Vitor Gheorghe** (mars 1999/ Buftea) auraient été violemment battus. **Florain Ion** (30 décembre 1999/Ploiesti) aurait été battu avec des matraques en caoutchouc et il aurait reçu des coups de poing et de pied. Il aurait en particulier été frappé sur la tête et le corps. **Gabriel Florin Ionescu** (juillet-août 1998/Bucarest) aurait été frappé avec une matraque. Il aurait été attaché à une table et aurait reçu des coups de pied, de poing et de matraque. **Emil Ionita** (1er mars1999/Bucarest) aurait reçu des coups de pied, de poing et de matraque sur tout le corps, en particulier sur le ventre. Les coups lui auraient endommagé la rate et il aurait été transféré à l'hôpital pénitentiaire de Jilava pour se faire opérer. **Gheorghe Ionita** (4 août 1999/Buhusi, Bacau) aurait été attaché à une table et aurait reçu des coups de poing et de pied. Il aurait également été frappé avec une barre en bois sur tout le corps. Il aurait, en particulier, eu deux côtes cassées et des problèmes de vision. **Marinica Leonard Iordache** (3 août 2000/prison de Braila) aurait reçu des coups de poing sur la tête et aurait été piétiné. Après les mauvais traitements, il aurait été isolé pendant 33 jours dans le but d'éliminer les traces des coups. **Aurel Iovita** (22 juin 2000/Galati) aurait été frappé avec une matraque et aurait reçu des coups de poing et de pied. Il aurait été frappé sur tout le corps et la tête. Il se serait écroulé. **Mihaita Istoc** (novembre 1999/Galati) aurait reçu des coups de pied, de poing et de matraque sur tout le corps. Il se serait évanoui. **Gheorghe Istoc** (septembre 1998/ département de Galati, poste de police de Dumbravesti) aurait reçu des coups de poing, de pied et de matraque en caoutchouc sur les reins, la jambe gauche, les côtes et le ventre. Il se serait écroulé et il aurait reçu des coups de pied sur la bouche et le nez. Deux années plus tard et en conséquence des coups reçus, on lui aurait amputé le pied gauche. **Take Ivanovici** (20 octobre 1997/Galati) aurait été battu. Il aurait été jeté à terre et il aurait reçu des coups de pied et de matraque durant toute une nuit. **Florica Juganaru** (12 octobre 1997/Traianu) aurait été battu avec un bout de bois venant du poêle. Il aurait reçu des coups de matraque, de poing et de pied. Cela aurait duré une heure et il se serait ensuite évanoui. **Laszlo Katanyos**, un tzigane, (12 juillet 1999/Batani-Mari, Covasna) aurait été frappé avec une matraque et aurait reçu des coups de poing et de pied. Sa tête aurait été frappée contre une table. **Zeno Kovacs**, de nationalité hongroise, (24 mars 2000/Covasna) aurait été menotté et frappé avec des bâtons en bois. Il aurait reçu des coups de poing et de pied sur tout le corps. Il se serait écroulé et le passage à tabac aurait continué. **Miklos Robert Laczko** (8 août 2000/Onesti) aurait reçu des coups de chaise sur son dos. Il aurait également été frappé avec une matraque sur le dos et les mains. **Ionel Mihalcea**, un de ses amis, aurait reçu des coups de poing, de pied et de matraque. Il aurait été menotté et frappé au dos, à la tête et aux côtes. Il aurait été tiré par les cheveux. Il aurait été forcé à boire de l'alcool. Cela aurait duré une nuit et deux jours. **Viorel Ladaru** (11 août 2000/Bacau) aurait été soumis à la technique dite "du rouleau". Dans cette position, il aurait été plaqué contre une armoire et frappé avec une matraque. Il aurait reçu des coups de poing au ventre, en particulier dans la région du foie. Le lendemain, il aurait été transféré à l'hôpital, puis ramené au poste de police où il aurait à nouveau été battu. **Mihai Laslo** (29 juin 1997/Gamulia) aurait été soumis à la technique dite "du rouleau". On lui aurait tordu les mains, les doigts et les jambes et il aurait reçu des coups de poing au dos, au ventre et à la tête. Il aurait été frappé avec une matraque aux pieds, aux jambes et aux mains. **Toader Lazar** (12 février 1998/Galati) aurait reçu des coups de poing et de pied et aurait été battu avec un bâton en bois. Cela aurait duré un jour entier. On aurait frappé sa tête contre un mur et contre une armoire en fer. **Adam Lepadatu** (8 janvier 2000/Bacau aurait été attaché à une table et frappé avec un bâton en bois sur les mains et les jambes. Il se serait écroulé et aurait reçu des coups de pied. On lui aurait appliqué un masque à gaz sur le visage pour étouffer ses cris. **Elemer Lepedat** (20 septembre 1999/Lemnia, Covasna) aurait été battu. Il aurait reçu des coups de poing et des gifles et aurait été frappé avec un bâton en bois. Ses jambes auraient été croisées et attachées à une barre avec du fil métallique. **Zoltan Lorincz** (21 janvier 1997/Odorheiu Secuiesc) aurait été frappé avec une matraque et aurait reçu des coups de poing à la tête. Il aurait ensuite été soumis à la technique dite "du rouleau" Suite aux coups reçus au poste de police, il serait tombé dans le coma. **Cezar Nicolae Lucaci** (2 septembre 1998/Succava Iasi) aurait été suspendu à un clou et aurait reçu des coups de poing et de matraque. Il aurait ensuite été attaché à une barre métallique et frappé avec des menottes sur les jambes. Il aurait également été soumis à la technique dite "du rouleau". **Neculai Luchian** (10 juin 1999/Botosani) aurait été attaché à un radiateur et ensuite suspendu à un clou. Ainsi, il aurait reçu des coups de matraque, de poing et de pied. Il aurait été menacé d'être électrocuté. Sa tête aurait été frappée contre une armoire métallique. Les mauvais traitements se seraient répétés pendant trois semaines. Il n'aurait pas été assisté par un avocat et n'aurait pas été examiné par un médecin. Il n'aurait pas été autorisé à recevoir des visites durant les sept premiers mois de sa détention. Suite aux mauvais traitements, il aurait eu deux dents et trois côtes cassées ainsi que des blessures à la tête, au menton et au nez. Son affaire aurait été révisée 16 mois après les faits. **Firea Macica**, un tzigane, (14 octobre 1998/ Teleorman) aurait été soumis à la technique dite "du rouleau" pendant deux heures. Il se serait ensuite évanoui. Pour mettre fin aux mauvais traitements, il se serait automutilé. **Dorin Maftei** (26 juin 2000/Iasi) aurait reçu des coups de poing et de pied. Il se serait écroulé, mais aurait quand même continué à recevoir des coups de pied. Il aurait eu des côtes fracturées. **Ioan Magureanu** (17/18 javier 2000/Piatra Neamt) aurait reçu des coups de poing et de pied. Pour que les mauvais traitements cessent, il aurait avalé une cuillère. **Erno Makkay**, de nationalité hongroise, (16 mars 1998/Miercurea) aurait reçu des coups de poing et aurait été forcé à écrire une confession qui lui était dictée. **Neculai Mamaliga** (13 janvier 2000/Tulcea) aurait été frappé avec des barres et des matraques en caoutchouc par six agents de la police habillés en civil et ses pieds auraient été attachés avec une laisse pour chiens. Il aurait été jeté par terre et aurait reçu des coups de pied au ventre et aux côtes. **Gheorghe Manea** (2 août 1999/Galati) aurait été battu sur tout le corps et en particulier sur la tête. **Geanin Manole** (3 octobre 1999/Brasov) aurait reçu des coups de poing et de pied sur tout son corps. Sa tête aurait été cognée contre une grille. **Stefan Marin** (8 décembre 1998/région de Tulcea) aurait reçu des coups de poing et de matraque. **Pericleanu Marin** (17 juillet 1997/Tulcea) aurait été battu et brûlé avec des mégots de cigarettes. **Vasile Marina** (1er mars 1999/Baia-Mare) aurait été passé à tabac plusieurs fois et aurait été soumis à la technique dite "du rouleau". **Maria Matei** (f) (30 mars 2000/Husi) aurait été quotidiennement battue de 21 h 30 à 24 h pendant une semaine. Elle aurait reçu des coups de pied au ventre et des coups de poing sur le visage. Elle aurait été tirée par les cheveux et jetée au sol. **Florin Matei**, un tzigane, (8 avril 1999/postes de police de Marasesti et de Focsani) aurait été battu avec deux chaises jusqu'à ce que ces dernières se cassent. Il se serait évanoui à plusieurs reprises. **Cristian-Marian Matei** (15 mai 1997/Giurgiu) aurait été frappé avec une serviette mouillée et une matraque en caoutchouc. Il aurait été battu pendant 10 jours consécutifs, la nuit. **Iona Gabriel Mihaescu** (9 novembre 1999/Suceava) aurait été attaché à un radiateur de telle sorte qu'il ne pouvait se tenir que sur ses orteils. Il aurait été laissé dans cette position pendant deux heures. Il aurait été ensuite obligé de se tenir sur une seule jambe. Il aurait été frappé avec une matraque sur un pied et sur les mains. Il aurait été menacé avec un chien. **Nelu Mihai** (12 avril 2000/Constanta) aurait reçu des coups de poing et de pied au ventre et aux poumons. **Mihai Puia**, un tzigane, (28 septembre 1999/Pitesti) aurait reçu des coups de poing sur tout le corps. On lui aurait donné de l'eau salée à boire. **Nicolaie Mihai** (10 février 1999/ Focsani) aurait été battu et aspergé d'eau. Ses doigts auraient été coincés dans une porte. **Constantin Mironescu** (23 septembre 1997/ Fetesti) aurait reçu des coups et il lui aurait été interdit de dormir durant 48 heures. **Silviu Mocanu** (25 mai 1997/Braila) aurait reçu des coups de poing et de pied. Il aurait été frappé avec une matraque en caoutchouc. Il aurait également été jeté contre un mur. **Victor Moise** (12 mars 1999/bureau régional de police de Teleorman) aurait été frappé avec une batte de base-ball. Il aurait été menotté et pendu à un crochet. Il aurait été soumis à la technique dite "du rouleau". **Attila Mocsel**, un tzigane, (4 novembre 1998/Teliu, Brasov) aurait été frappé avec une matraque et aurait reçu des coups de poing, de pied et de matraque. Il se serait évanoui à plusieurs reprises. **Ion Moise** (5 septembre 2000/Piatra Neamt) aurait reçu des coups de poing, il aurait été agrippé par le cou et il aurait eu une épaule disloquée. Il aurait reçu des coups de genou au ventre. **Cristian Moldovanu** (28 mai 1999/Iasi) aurait été battu jusqu'à ce qu'il perde conscience. Ses mains auraient par la suite été écrasées dans une porte. Il aurait reçu des coups de poing, de pied et de bâton en bois. Le passage à tabac se serait répété durant sept jours. **Patu Florin Monga** (5 mars 1999/cellules des postes de police de Itcani et de Gura Humorului) aurait eu la paume des mains frappée avec une matraque et aurait été soumis à la technique dite "du rouleau". **Gheorghe Gigi Morosan** (11 décembre 1998/ Timisoara) aurait reçu des coups de poing et de matraque pendant cinq jours. **Alia Petronel Munteanu** (9 avril 2000/Iasi) aurait été attaché à une chaise et aurait reçu des coups de matraque sur la tête ainsi que des coups de pied. **Cornel Murari** (13 novembre 1997/Faget, Timis) aurait été matraqué sur la paume des mains pendant une demi-heure. **Emil Muresan**, un tzigane, (6 janvier 2000/Savinesti) aurait été menotté et battu. **Ibram Mustafa**, de nationalité turque, (1er février 2000/Constanta) aurait été battu avec une batte de base-ball. Il aurait en particulier reçu des coups au ventre et à la taille. Il aurait eu une fracture au bras. **Constantin Mustocea**, un tzigane, (30 juillet 2000/Aparatorii Patriei) aurait été forcé de s'agenouiller et ses mains auraient été attachées derrière le dos. Il aurait été ainsi frappé à la tête et au ventre. **Vasile Costel Neacsu** (8 avril 2000/Bacau) aurait été battu pendant deux jours. **Catalin Dumitru Neagu** (12/13 février 2000/Tulcea) aurait été battu et soumis à la technique dite "du rouleau". On lui aurait tiré les cheveux, il aurait reçu des coups de poing sur la tête et sur les oreilles, il aurait été frappé sur les pieds et la paume des mains, puis sur tout le corps. Il aurait eu plusieurs blessures ouvertes. **Nicolae Negoita** (6 décembre 1997/ Oltenita) aurait eu les doigts coincés dans une porte. **Mihaita Negrut** (16 février 1998/ Traianu, Braila) aurait reçu des coups de poing pendant plusieurs heures. **Niculae Niculae** (21 novembre 1997/ Bucarest) aurait reçu des coups de poing, de pied et de matraque. **Ion Nicolaiciuc** (12 mars 2000/Succava) aurait reçu des coups de poing et de pied. Sa tête aurait été frappée contre un mur et ses doigts écrasés sous une table. Il aurait été frappé avec une matraque à la tête et au visage. Les mauvais traitements auraient momentanément cessé lorsqu'il se serait évanoui. Il aurait eu des problèmes de vision et de reins, des doigts cassés, ainsi qu'une douleur permanente à la main. Il n'aurait cependant pas été examiné par un médecin. **Marian Nicolaie** (3 août 1999/Braila) aurait reçu des coups de poing et des coups de pied. **Adrian Nistor** (13 mai 1997/Galati) aurait reçu des coups de poing et de pied. Il se serait évanoui. **Marian Nistor** (27 juin 1997/Braila) aurait été battu. Il aurait été brûlé avec des cigarettes et aurait été soumis à la technique dite "du rouleau". On lui aurait arraché une dent. **Gheorghe Nita** (8 avril 1999/Focsani) aurait reçu des coups de poing et de pied sur le ventre et le cou. Il aurait aussi été frappé sur l'oreille. **Florin Nita** (8 avril 1997/Buzau) aurait reçu des coups de pied et de poing et il aurait été soumis à la technique dite "du rouleau". En 1999, on lui aurait diagnostiqué la maladie de Parkinson qui aurait été causée par les mauvais traitements reçus. **Vasile Nita** (17 février 1999/Borsec) aurait été frappé deux fois avec une batte de base-ball. Il aurait perdu connaissance. **Valentin Nita**, un tzigane, (26 août 1999/ Tirgu-Frumos) aurait reçu des coups de pied, en particulier aux reins. **Mihai Novac** (15 septembre 1997/Iasi) aurait été mis face à un mur les mains en l'air et aurait été frappé aux reins et au cou. **Marius Olaru** (9 novembre 1999/Galati) aurait été frappé avec une barre et aurait reçu des coups sur la tête pendant 48 heures. Il aurait perdu connaissance et aurait eu des crises épileptiques et d'autres lésions. **Nicu Olteanu** (16 mai 1997/Bucarest) aurait été frappé et menacé. Un agent lui aurait tiré un coup de feu et l'aurait blessé à la jambe. **Ogut Omer Faruk**, de nationalité turque, (17 septembre 1999/Galati) aurait reçu des coups de pied et de poing et aurait été menacé avec un pistolet et une matraque. **Iulian Oprean** (2/3 novembre 1998/ Deva) aurait été battu et frappé avec une matraque. **Eduard Planter** aurait été soumis au même traitement. **Adrian Oprisanu** (janvier 2000/Tulcea) aurait reçu des coups de poing et de pied. **Gheorghe Otvos** (10 mai 1999/Cluj) aurait reçu des coups de poing et de pied. Il aurait été attaché à une barre métallique. Il se serait évanoui deux fois, mais les mauvais traitements auraient continué. Il aurait également été menacé. Il aurait eu des problèmes urinaires et de fortes douleurs aux organes génitaux. **Nicolae Pacionel** (28 novembre 1998/ Stainesti Olt) aurait été battu. **Iulian Marian Palade** (17 mars 1997/Babadag) aurait été soumis à la technique dite "du rouleau". **Imre Pall**, de nationalité hongroise, (11 octobre 1999/ Sincraieni-Ciuc, Harghita) aurait reçu des coups de pied, puis aurait été battu au poste de police. **Ovidiu Palpanica** (17 octobre 1999/Iasi) aurait reçu des coups de poing et de pied. **Adela Pascu**, une femme tzigane, (3 septembre 1999/Iasi) aurait reçu des gifles et aurait été battue bien qu'elle ait été malade. **Victor Pastrama**, de nationalité moldave, (26 avril 1998/ Bucarest) aurait été violemment battu et électrocuté. Ses mains auraient été attachées à ses genoux et il aurait été battu avec un bâton en bois. Il aurait aussi été soumis à la technique dite “du rouleau”. Il aurait en particulier reçu des coups sur ses organes génitaux et sa zone lombaire. **Surai Pastrama**, un tzigane, (18 juillet 2000/Galati) aurait reçu des coups de poing et de pied sur la tête et le corps. **Nicolaie Patrona** (17 février 2000/Onesti) aurait reçu des coups de poing et de pied sur tout le corps. Il aurait été jeté par terre. Il aurait particulièrement été frappé sur la poitrine et sur la partie droite de son corps. **Marian Paun** (6 avril 1999/Focsani) aurait reçu des coups de pied au ventre et de matraque sur tout le corps. Il se serait évanoui mais le passage à tabac aurait recommencé une seconde fois. **Mircea Paunescu** (29 septembre 1999/Braila) aurait reçu des coups de matraque et de pied sur la bouche, les côtes et les mains. Sa tête aurait été frappée contre le sol, les armoires et les murs. Il aurait eu un bras cassé, une foulure à la cheville droite et des douleurs généralisées. **Valerian Pectu** (21 mai 2000/Roman) aurait été frappé avec un fusil. Il aurait reçu des coups de poing et de pied. On l’aurait piétiné et écrasé les doigts. **Mustafa Petrica** (22 juin 1998/station Basarab, Bucarest) aurait été violemment frappé. **Petrache Petrica**, un tzigane, (2 février 1999/Galati) aurait été soumis à la technique dite “du rouleau”. Ses doigts auraient été écrasés dans une porte. Il aurait reçu des coups de poing, de pied et des gifles sur la tête et les côtes. Il aurait été passé à tabac du matin au soir. **Petre Petrisor** (25 janvier 1999/ Timisoara) aurait été battu au début de l’enquête. Il aurait en particulier reçu des coups de pied et de poing à la tête. **Gigi Petrovici** (14 août 1997/Braila) aurait été soumis à la technique dite “du rouleau”. **Nicolae Dorinel Pintilie** (12/13 juin 2000/ prison de Braila) aurait reçu des coups de poing et de pied partout sur le corps. **Constantin Pirvuta** (4 janvier 2000/cellules du poste de police de Tulcea) aurait été violemment battu et il aurait été soumis à la technique dite “du rouleau”. **Vasile Pislac** (5 juillet 1997/ Costinesti, Constanta) aurait été violemment battu. **Stefan Plesca**, un tzigane, (26 mai 1998/ cellules du poste de police de Timisoara) aurait reçu des coups de matraque et de pied sur tout le corps. Il aurait également été soumis à la technique dite “du rouleau”. Il aurait d’abord été menotté à un radiateur et ensuite à une grille avec ses mains en l’air. **Tudorel Pop** (1^er^ juin 2000/ région de Braila) aurait reçu des coups de pied et de poing. **Ionut Petrica Popa** (29 septembre 1999/Iasi) aurait reçu des coups de pied et de poing. **Ruben Ovidiu Popa** (18 février 1999/prison de Colibasi-Pitesti) aurait reçu des coups de poing, de pied et aurait été frappé avec divers objets. Il aurait eu de nombreuses blessures et aurait encore des troubles psychiques des suites de ces traitements. **Vasile Prisacariu** (25 juin 1999/Scanteia, Iasi) aurait reçu des coups de poing au ventre. **Ion Dan Profir** (15 mai 2000/Dragomiresti, Vaslui) aurait reçu des coups de pied au ventre et aurait reçu des coups de poing. **Marcel Purav** (18 juin 1998/Botosani) aurait reçu des coups de matraque en caoutchouc, de pied et de poing. **Viorel Radu** (11 décembre 1999/Moinesti) aurait été soumis à la technique dite “du rouleau”. Il aurait reçu des coups de barre métallique, des coups de poing et des coups de pied sur le corps et le visage. Il aurait eu deux côtes cassées et des contusions sur tout le corps. **Costica Raducanu** (17 décembre 1999/Focasanu) aurait été frappé avec un bâton en bois aux jambes. Il se serait écroulé mais aurait continué à être battu. Il aurait également reçu des coups de matraque en caoutchouc. Il aurait eu des lésions aux côtes et des blessures aux lèvres et aux yeux, ainsi que des problèmes aux poumons. **Costache Railianu** (28 juin 1999/Focsani) aurait été privé de nourriture et de boissons et n’aurait pas eu accès aux toilettes durant trois jours. Il aurait reçu des coups de poing et de pied au ventre et au foie. Ses mains auraient été attachées derrière son dos. Il aurait été enfermé dans une cellule pleine de moustiques. **Mitica Rarinca** et **Romica Codreanu** (4 octobre 1997/postes de police de Tecuci et de Marasesti) auraient été violemment battus. Ils auraient en particulier reçu des coups de pied et de poing. **Matyas Rostas**, un tzigane, (8 janvier 1998/Sancraieni) aurait été battu. Il aurait en particulier reçu des gifles et des coups de poing au visage et à l'estomac. **Aurel Mihaita Resmerita** (27 mai 1999/Tecuci) aurait été obligé de se coucher sur le ventre et il aurait été menotté à une armoire en fer. Il aurait reçu des coups de pied sur le dos et des coups de matraque pendant à peu près quatre heures. **Lucian Ristici** (4 mars 2000/Galati) aurait reçu des coups de pied et de poing sur la poitrine, sur la tête et sur le ventre. **Paraschiv Rolea** (1^er^ mars 1998/Galati) aurait été passé à tabac et aurait été frappé avec la crosse d'un pistolet. Il aurait eu une foulure à la cheville, une fracture à la main droite et d'autres blessures. **Aurel Rosu** (23 février 1999/ Cozmeti) aurait été attaché à une chaise et frappé avec le pied d'une autre. Ses doigts auraient été coincés dans une porte. Il se serait évanoui à plusieurs reprises. **Ionel Rotaru** (19 septembre 1997/ Braila) aurait reçu des coups de pied et de poing. On aurait frappé sa tête contre une armoire en fer. Il aurait été frappé avec le pied d'une chaise. Le passage à tabac aurait duré 20 heures et il se serait évanoui plusieurs fois. **Ionel Rotaru** (23 mai 1999/Tutova, Vsaslui) aurait été frappé avec un bâton en bois sur tout le corps, en particulier, sur la tête, les côtes et le ventre. Il aurait aussi reçu des coups de pied à la tête. **Vili Rupa** (28 janvier 1998/ Huneodara) aurait été violemment battu. En prison il aurait passé 82 jours les pieds enchaînés. **Liviu Rus** (15/16 janvier 1999/Cluj) aurait reçu des coups de poing sur le visage et au ventre et des coups de pied aux parties génitales. La douleur aurait été si forte qu'il se serait évanoui. **Andriusa Rusu** (12 mars 1998/Crcaliu, Tulcea) aurait été battu durant huit heures. Il se serait évanoui. Il aurait eu deux côtes fracturées et différentes lésions. **Mihael Rusu** (27 octobre 1998/ Galati) aurait reçu des coups de poing, de pied et de matraque. Il aurait encore une cicatrice sur le crâne. **Elena Rusu** (f) (5 juin 1999/ Suharau, Botosani) aurait reçu des coups de poing et de pied sur tout le corps, en particulier sur le dos et la poitrine, ce qui l'aurait empêchée de respirer. Ses paumes auraient été frappées avec une matraque. **Constantin Sanda** (2 décembre 1998/Slobozia) aurait été battu avec un bâton en bois jusqu'à ce qu'il s'évanouisse. Son épaule gauche et son nez auraient été fracturés. **Mersie Sandan** (f) (janvier 2000/ Constanta) aurait reçu des coups de chaise et de pied. **Serghei Sarbu**, de nationalité moldave, (26 avril 1998/Bucarest) aurait été battu durant deux nuits. Il aurait été électrocuté, il aurait été soumis à la technique dite "du rouleau" et aurait été frappé aux pieds avec une matraque en caoutchouc. **Petrisor Sava** (20 juin 1997/Galati) aurait été soumis aux techniques dites "de la macavela" et "du rouleau", aurait reçu des coups de poing et des coups de pied et se serait évanoui plusieurs fois. **Ionel Scrab** (11 août 1998/postes de police de Iasi et de Gradjuri) aurait reçu des coups de poing sur la tête. **Ioan Scutariu** (2 mai 1997/Liteni, Suceava) aurait reçu des coups de poing et de pied. Il aurait également été frappé avec du bois de chauffage. Il aurait été agressé par un chien lancé contre lui. **Giani Secara** (9 mai 2000/Piatra Neamt) aurait reçu des coups de poing et de pied à la tête, à la nuque et au dos. **Lucian Serban**, un tzigane, (17 septembre 1999/Galati) aurait reçu des coups de pied et de poing et aurait été frappé avec une matraque sur tout le corps, en particulier sur la tête, les côtes et les jambes. Cela aurait duré cinq heures. **Vasile Serban** (24 avril 2000/Oltenita) aurait été passé à tabac. Il aurait en particulier reçu des coups de poing et de pied et sa tête aurait été cognée contre les murs. **Francisc Serban** (24 janvier 1999/Fericeni, Harghita) aurait été attaché à des barreaux et battu avec une matraque en caoutchouc et des sacs de sable. Cela aurait duré deux jours. **Nicusor Sima** (21 novembre 1999/Borcea) aurait été frappé aux mains et aux jambes avec une barre. Deux autres personnes, **Costica Rotariu** et **Dan**, auraient été battues en même temps que lui. **Valeriu Smedoiu** (4 février 1999/Puciosa) aurait été frappé avec un câble en acier recouvert de caoutchouc. Les mauvais traitements lui auraient provoqué différentes lésions et des troubles mentaux. **Tiberiu Sofica** et **Gavriluc** (17 ans) (15 juin 1999/Bucarest) auraient été jetés à terre et frappés. Au poste de police, ils auraient été violemment battus. **Gabriel Solomon**

(1^er juillet 1999/Piatra Neamt) aurait été violemment battu. **Mugurel Soare**, un tzigane, (18 mai 2000/Bucarest) aurait reçu un coup de feu à la tête après avoir été maltraité. Le coup de feu l'aurait gravement blessé et il serait maintenant paralysé. **Valeria Spataru** (f) (26 juin 1999/Birlad) aurait été tirée par les cheveux et sa tête aurait été cognée contre une barre. Son dos et ses mains auraient été frappés avec une matraque. **Gheorghe Spirache**, un tzigane, (23 mai 2000/Ramnicu-Valcea) aurait été soumis à la technique dite "du rouleau". Il aurait reçu des coups de poing et de pied. Il aurait été frappé avec un bâton en bois et une barre. **Georgia Stamate** (23 janvier 2000/prison de Braila) aurait été passé à tabac. **Iulian Stanciu** (août-septembre 1998/Braila) aurait été frappé sur les organes génitaux. Il aurait reçu des coups de poing sur le cou et aurait reçu des coups de matraque sur les paumes des mains. Il aurait subi d'autres humiliations, auxquelles aurait assisté sa femme. **Gheorghe Florian Stanciu** (7 juin 1998/Ploiesti) aurait reçu des coups de pied, de poing et de matraque. **Iancu Stinga** (27 mai 1999/Galati) aurait reçu des coups de poing et de pied et aurait été frappé avec un bâton en bois et un autre en caoutchouc. Il serait resté plusieurs jours au poste de police et aurait été soumis à ce traitement à plusieurs reprises. Il se serait évanoui plusieurs fois. Il serait devenu sourd à cause des coups. **Istrate Stefan** (4 avril 1998/Tulcea) aurait été battu. Il aurait été aussi menotté et suspendu à un crochet. **Ciobi Stefan**, de nationalité hongroise, (24 décembre 1997/ Miercurea Ciuc) aurait été frappé sur le dos avec une barre longue d'un mètre. Il aurait également reçu des coups sur la poitrine. **Viorica Stoian** (20 mars 2000/Ploiesti) aurait été tiré par les cheveux et étouffé. Il aurait reçu des coups de poing et de matraque sur le dos. Il aurait également reçu des coups au visage. **Aurel Stoica** (26 janvier 1999/Tecuci) aurait été enroulé dans un tapis avant d'être frappé avec des bâtons. On lui aurait aussi donné des coups de pied et de poing. **Petrica Stoica**, un tzigane, (12 juin 2000/Galati) aurait reçu des coups de poing et des gifles. Il aurait été frappé aux paumes de la main, à la tête, au dos, aux côtes. **Ionel Marcel Stoica** (novembre-décembre 1999/Targu Ocna) aurait reçu des coups de poing et de pied au ventre. Il aurait été frappé avec une matraque et attaché à un mur. **Vasile Strugariu** (4 juillet 1999/Suceava) aurait été frappé. Il aurait été soumis à la technique dite "du rouleau". Le passage à tabac se serait répété à plusieurs reprises du 4 au 6 juillet. **Ionel Stupu** (19 février 2000/Gheorghieni, Harghita et prison de Miercurea Ciuc) aurait reçu des coups de pied et aurait été brutalement frappé en présence de sa fille. Sa femme aurait également été battue et menacée. Il aurait à nouveau été agressé le 22 février 2000 à la prison de Miercurea Ciuc. **Dumitru Suciu** (30 août 2000/Dolhasca, Suceava) aurait reçu des coups de poing sur la poitrine et des coups de matraque sur les mains et le dos. **Ion Doru Suditu** (19 novembre 1998/ Grivita Bucuresti) aurait été battu durant presque 10 heures. Il aurait eu du mal à écrire sa confession parce qu'on aurait frappé les paumes de ses mains avec une barre en caoutchouc. Les jours suivants, il aurait également été passé à tabac dans les toilettes du poste de police. **Ionel Surdu** (14 mai 1999/Braila) aurait été soumis à la technique dite "du rouleau". Il se serait évanoui deux fois. Après les mauvais traitements, il aurait été transféré à l'hôpital de Stanful Spiridon. **Petrica Suruiandu** (2 mars 1999/Galati) aurait été passé à tabac de 8 heures du matin jusqu'au soir. **Dinu Suster** (2 septembre 1998/Botosani) aurait été frappé avec une matraque en caoutchouc au dos et aux paumes. **Aurel Suster** (23 février 1999/Dorobanti, commune de Nisceni et poste de police de Rachiti) aurait été battu et forcé de boire de la vodka. **Gabriel Szekeres** (28 juillet 2000/Toplita, Harghita) aurait été frappé avec une chaise. Il aurait reçu des coups de poing et de pied et il aurait été menacé. **Deres Szocs** (14 juillet 1998/ Odorheiu Secuiesc) aurait reçu une balle lors de son arrestation. Menotté, il aurait perdu conscience et aurait eu une hémorragie. Il aurait passé 30 jours à l'hôpital de Odorheiu Secuiesc, mais n'aurait reçu aucun traitement au poste de détention de Odorhei. **Caterina-Iuliana**

Tandica-Trica (f) (4 avril 2000/Braila) aurait été battue avec une grosse matraque sur les pieds, les paumes des mains et la tête. Elle aurait été insultée et menacée. **Ioan Tigla** (4 avril 1997/ poste de police de la commune de Stanita, région de Neamt) aurait été soumis à la technique dite "du rouleau". Il aurait été frappé par des agents avec leurs coudes et aurait reçu des coups de pied et des gifles. Il aurait été menacé d'être laissé seul avec un chien supposé être dressé pour reconnaître les coupables. Ce traitement aurait provoqué une crise de nerfs dont il garderait encore les séquelles. **Mihai Tirim** (4 mai 2000/Galati) aurait été attaché à un radiateur et passé à tabac. Il aurait été frappé si fort à la tête qu'il en serait tombé. Il aurait reçu des coups de matraque, de poing et de pied. **Sandel Tirim** (4 mai 2000/Vladesti, Galati) aurait reçu des coups de poing à la tête et on lui aurait tiré les cheveux. **Lucian Toader**, un tzigane, (20 septembre 1999/ Onesti) aurait été attaché et insulté. Il aurait reçu des coups de pied et de matraque. Il se serait évanoui. **Tudorel Toba** (11 décembre 1997/Braila) aurait reçu des coups de pied, de poing et de matraque. Il aurait été soumis à la technique dite "du rouleau". Il aurait été soumis à ce type de traitement pendant quatre jours. **Arghir Tomescu** (7 avril 2000/Braila) aurait été frappé sur le ventre. Il aurait été insulté. Il aurait reçu des coups de poing sur la tête. **Petru Iulian Tovaru** (20 juillet 1999/Piatra Neamt) aurait reçu des coups de poing et de pied au ventre et à la colonne vertébrale. Il aurait été tiré par les cheveux et sa tête aurait été cognée contre un mur. **Neculai Trifan** (10 février 2000/ Suceava) aurait été frappé avec des battes de base-ball et aurait reçu des coups de poing et de pied. Il aurait été forcé de dénoncer son ami, **Stroia Constantin**, qui à son tour aurait également été soumis à différents types de tortures. **Ion Udrea** (7 juillet 1998/Focsani) aurait été soumis à la technique dite "du rouleau". Par la suite, il aurait reçu des coups de poing au ventre et aux poumons. Les mauvais traitements auraient accentué sa tuberculose. **Petru Udila** (24/25 février 2000/Roman) aurait été attaché à un radiateur, frappé avec une matraque et on lui aurait mis un masque à gaz sur le visage. Il se serait évanoui et on aurait continué à le battre. **Mircea-Marcel Ungureanu** (17 décembre 1999/ Iasi) aurait reçu des coups de poing au visage jusqu'à avoir du mal à rester debout. Il aurait par la suite été giflé et forcé de faire des exercices physiques. **Iulian Urziceanu** (24 juillet 2000/ Putinei, Teleorman) aurait été frappé avec une matraque en caoutchouc et avec une barre durant cinq heures. Il se serait écroulé à plusieurs reprises, mais le passage à tabac n'aurait pas cessé pour autant. **Ion Vanoaga** (6 octobre 1998/ région de Braila, poste de police de la commune de Sutesti) aurait reçu des coups de pied et de poing. Il aurait été menotté à son ami **David Florin**. Il aurait été insulté et passé à tabac. **Florinel Vas**, un tzigane, (4 juin 1999/Baraolt et Sf. Gheorghe, Covasna) aurait été attaché, puis il aurait reçu des coups de poing et de matraque. **Nicu Vilcu** (19 novembre 1999/Piscu, Galati) aurait été frappé avec des menottes. Il aurait été menacé avec un pistolet. **Florin Vincovici** (12 octobre 1999/Galati) aurait reçu des coups de poing, de pied et de matraque sur tout le corps. **Vasile Visan** (9 février 2000/Focsani, Vrancea) aurait reçu des coups de poing sur le foie, les jambes et les organes génitaux. Il se serait évanoui et aurait reçu des coups de poing sur les yeux et sur les lèvres. **Tereza Vizitu** (f) (décembre 1998/Negri) aurait été frappée avec une matraque aux mains, à la tête, au dos et au ventre. **Viorel Vladila** (23 mars 1998/Tulcea) aurait été frappé aux pieds quatre fois pendant dix minutes et les agents auraient ensuite voulu faire de même avec ses paumes. Il aurait été frappé avec une matraque. Suite aux mauvais traitements, son pied droit aurait été amputé. **Ion Vlaicu**, un tzigane, (3 juillet 2000/Traian, Bacau) aurait été menotté et aurait reçu des coups de poing et de pied sur tout le corps, en particulier à la tête et au ventre. Il aurait été frappé avec une matraque sur la paume des mains. Il se serait évanoui. **Cosmin Voican** (17 février 1999/ Rimnicu Vilcea) aurait été suspendu à une armoire et frappé avec un bouclier antiémeute aux jambes et à la tête. Il aurait ensuite été enfermé dans une armoire alors que des agents donnaient des coups sur celle-ci. Il aurait par la suite été attaché à une grille. Il se serait évanoui à deux reprises. **Radu Daniel Zaharescu** (16 août 2000/Falticeni) aurait été giflé. Il aurait ensuite été menotté à une tuyauterie avec son bras droit en l'air. Il aurait par la suite reçu des coups de poing et de pied à la poitrine. Il aurait eu une fracture d'une côte et une lésion au côté gauche de sa poitrine. **Constantin Zaharia** (30 septembre 1999/Galati) aurait été frappé avec une barre en bois et aurait reçu des coups de pied au ventre. Les policiers auraient essayé de cogner sa tête contre une table et contre les murs. **Gheorghe Zet Ciubotaru** (6 février 2000/ Iasi) aurait été frappé avec la poignée d'une hache. Il aurait reçu des coups de poing et de pied. Il aurait reçu un coup fort au dos qui l'aurait fait tomber. Le passage à tabac n'aurait pas cessé pour autant. Il aurait en particulier reçu des coups au ventre, au foie et à la rate. **Costel Marius Zgirta** (18 octobre 1998/Calimanesti) aurait été battu. **Marian Zuinca** (23 juillet 2000/Botosani) aurait ainsi été suspendu entre deux armoires par une barre de fer. Il aurait par la suite été transféré aux cellules du poste de police où il aurait reçu des coups de poing, de pied et de matraque, ainsi que des gifles.

1263. Le Rapporteur spécial a aussi transmis des renseignements sur les cas individuels suivants de mineurs.

1264. **Ionut Dorin Ababei** (17 ans) (18-19 février 2000/Botosani) aurait reçu un coup de poing qui lui aurait cassé une dent. Il aurait reçu des coups de menottes sur la tête et il aurait été giflé. Au poste de police, il aurait été attaché à des barreaux et aurait été frappé sur les côtes. Il aurait également été frappé avec une batte de base-ball. **Gheorghe Liviu Acalgoaie** (16 ans) (28 juillet 1999/Galati) aurait été menotté, frappé sur le ventre et tiré par les cheveux et sa tête aurait été cognée contre une porte. Il aurait également été frappé sur le dos. **Chirezali Albertin,** de nationalité turque, (17 février 2000/Constanta) aurait été frappé sur les oreilles et au visage. Un de ses amis turcs, **Tair Belgin** (15 ans), aurait aussi été frappé sur la paume des mains avec une batte de base-ball, puis sur la tête avec un livre. Il aurait également reçu des coups de poing. **Remus Airinei** (15 ans) (8 août 2000/Piatra Neamt) aurait été passé à tabac. Il aurait été en particulier frappé sur les pieds. Il aurait également été frappé avec une matraque. **Petru Aghirasimoaei** (17 ans) (30 août 2000/Piatra Neamt) aurait été insulté et giflé. **Gheorghe Cosmin Anca** (15 ans) (26 janvier 2000/Pitesti) aurait été frappé avec une barre de fer et aurait reçu des coups de poing et des coups de pied sur tout le corps. Il aurait eu une jambe cassée. **Paul Valentin Anghel** (15 ans) (2 mars 2000/Bucarest) aurait été giflé et aurait reçu des coups de poing sur la poitrine au point de lui couper la respiration. **Laurentu Anghel** (17 ans) (14 mai 1999/Bucarest) aurait reçu des coups de poing et des gifles et aurait été bousculé et menacé. **Alexandru Florin Angheluta** (15 ans) (5 octobre 1999/Galati) aurait reçu des coups de poing. **Adrian-Nicusor Antoniu** (17ans) (22 mai 2000/Galati) aurait été violemment battu et se serait évanoui à plusieurs reprises. **Vasile Arghir** (15 ans), un tzigane, (28 janvier 2000/cellules du poste de police de Roman) aurait été frappé avec une matraque aux mains et aurait reçu des coups sur son dos. **Alin Asimionesei** (16 ans) (18 juillet 1999/Bistrita) aurait été matraqué. Il aurait reçu des coups de pied et de poing sur tout le corps durant à peu près une heure. Il aurait également été frappé sur la nuque et la tête. **Mihai Baciu** (15 ans) (octobre 1997/Iasi) aurait reçu des coups sur la tête et sur les paumes des mains. **Catalin Baciu** (16 ans) (février 2000/Braila) aurait reçu des coups de poing et de pied sur le ventre et sur le foie. Il aurait été forcé à grimper sur une armoire et à sauter de celle-ci la tête la première. Il aurait été aussi menacé d'être matraqué. Menotté, sa tête aurait été cognée contre un mur. **Albert Badaric** (14 ans), un tzigane, (1er avril 2000/Bacau) aurait reçu des coups de poing, de pied et de bâton sur tout le corps. **George Doru Badeanu** (14 ans) (15/17 janvier 2000/Birlad) aurait reçu des coups de poing et de pied. Il aurait également été frappé avec un bâton en bois sur tout le corps. Il aurait été attaché à un radiateur. Il aurait été giflé. **Chirezali Bairam** (17 ans), de nationalité turque, (11 février 2000/Constanta) aurait été frappé sur les côtes et sur le visage parce qu'il ne disait pas ce qu'on attendait de lui. **Casus-Klay Bancutta** (16 ans), un tzigane, (4/5 mai 2000/Braila) aurait été frappé et aspergé avec un spray. Après s'être évanoui, il aurait été menotté et emmené au poste de police. Là, il aurait à nouveau été battu jusqu'à ce qu'il perde connaissance. Suite à cela, il aurait eu plusieurs fractures et blessures et aurait passé deux semaines sans pouvoir bouger. **Cristian Barban** (17 ans) (25 mai 2000/Iasi) aurait été battu. Il aurait en particulier reçu des coups de poing sur la tête et celle-ci aurait été cognée contre un mur. **Florin Barbu** (16 ans) (2 novembre 1999/Bucarest) aurait été soumis à la technique dite "du rouleau" et il aurait été électrocuté. **Nicoleta Bejenaru** (f) (16 ans) (3 février 1999/Adincata, Suceava) aurait reçu des coups de poing sur la tête, des gifles au visage et des coups de bâton aux paumes. **Florin Costel Benea** (16 ans) (11 juin 2000/Galati) aurait été soumis à la technique dite "du rouleau". **Marius Besliaga** (16 ans) (13 novembre 1997/Iasi) aurait été forcé de s'asseoir sur une chaise et on l'aurait frappé avec un balai sur tout le corps, en particulier sur ses pieds. Les paumes de ses mains auraient été frappées avec une matraque. **Marian Boalca** (15 ans) (mai 2000/Braila) aurait été menotté face contre terre et aurait reçu des coups de pied. Il aurait aussi été frappé avec une matraque en caoutchouc jusqu'à ce qu'il s'évanouisse. **Gyula Bodi** (17 ans) (16 juin 1999/Atid, Harghita) aurait été frappé avec une matraque et aurait reçu des coups de pied et de poing. Les agents auraient allumé des pétards derrière son dos pour lui faire croire qu'on allait lui tirer dessus. **Marius Bogza** (16 ans) (15 novembre 1999/Roman) aurait été frappé avec une matraque sur tout le corps. Il aurait ensuite été battu avec une barre sur les poignets et les chevilles. On lui aurait aussi donné un coup sur le cou avec un pneu. **Petru Adrin Boila** (14 ans) (3/26 février 1999/Borca, Neamt) aurait reçu des coups de poing et de pied sur la nuque. **Eduard Bordeianu** (16 ans) (26 novembre 1999/Buhoci, Bacau) aurait reçu des coups de bâton, de pied et de poing. Il aurait aussi été frappé avec un objet métallique. Il aurait en particulier reçu des coups sur les pieds, les paumes des mains et les épaules. **Bela Boros** (16 ans), de nationalité hongroise, (18 septembre 2000/Satu Mare) aurait été enfermé dans une cellule sans lumière et aurait reçu des coups de poing et de pied. Il aurait également été frappé sur le dos avec une lampe et sur le visage. **Gheorghe Ionut Bucur** (16 ans) (7 juin 1999/Bucarest) aurait été soumis à la technique dite du "rouleau". Il se serait évanoui. Le jour suivant, il aurait, entre autres, reçu des coups de poing au ventre et des coups de pied sur la tête. Il aurait été emmené aux urgences. **George Bogdan Bucur Marin** (16 ans) (20 août 2000/Vest) aurait reçu des coups de poing sur le foie et des coups de pied sur le ventre et les organes génitaux. Au poste de police, il aurait reçu des coups de poing au cou et aurait été giflé sur les oreilles. Il aurait aussi été menacé avec des matraques. **Gheorghe Bulaga** (10 ans) (3 avril 1998/ Piatra Neamt) aurait reçu des coups de poing au visage et au ventre. **Ionut Alin Buliga** (15 ans) (8 août 1997/Radauti) aurait été soumis à la technique dite "du rouleau". Il aurait eu une côte fracturée. **Mihaita Ciprian Bunduc** (15 ans) (22 juillet 1999/Roman) aurait été menotté de manière trop serrée et aurait reçu des coups de bâton, de poing et de pied. Il aurait été tiré par les cheveux et insulté. **Ciprian Grigore Butucea** (16 ans) (18 août 1999/Piatra Neamt) aurait reçu des coups de poing et il aurait été frappé avec une matraque en caoutchouc et une barre métallique. Il aurait particulièrement été frappé aux pieds et au ventre. **Fanica Viorel Buraga** (14 ans) (19 septembre 1999/Botosani) aurait été frappé avec une matraque et reçu des coups de poing. On lui aurait arraché une dent et il aurait été comprimé contre une porte. **Costel Cacula** (16 ans) (23 août 2000/Toplita, Harghita) aurait été frappé à la tête et insulté. Il aurait été obligé à s'agenouiller et aurait reçu un coup de poing sur le dos et un autre au ventre. **Iulian Calin** (15 ans) (27 juin 1999/Mioveni, Pitesti) aurait été frappé avec une barre en fer et aurait reçu des coups de poing aux jambes et au visage. **Bogdan Calistru** (15 ans) (24 juin 1999/Iasi) aurait été frappé avec une matraque et menacé d'être battu avec une batte de base-ball. Il aurait été frappé sur les mains. **Dan Capra** (16 ans), un tzigane, (3 novembre 1999/Piatra Neamt) aurait été frappé avec un bâton en bois et aurait reçu des coups de pied et de poing. **Marian Florin Carbunaru** (16 ans), un tzigane, (8 février 2000/ Mioveni, Arges) aurait été immobilisé sur une table et frappé avec une matraque sur le dos. Il aurait reçu des coups de poing sur la tête et de pied au ventre. On aurait sauté sur ses jambes. **Sergiu Carhan** (11 ans), de nationalité moldave, (17 mars 2000/Iasi) aurait été frappé aux jambes et aurait reçu des coups de poing sur tout le corps. Il aurait été frappé avec une matraque. **Vasilica Ciobanu** (15 ans) (15 mai 1999/Hirlau) aurait été frappé avec un bâton en bois. Sa tête aurait été cognée contre les murs. **George Ionut Ciolpan** (17 ans) (28 février 2000/Bucarest) aurait été frappé sur les mains avec un bâton. Il aurait reçu des coups de poing sur les côtes et des coups de matraque sur les pieds, le cou et le dos. Il aurait eu une crise d'asthme et aurait été emmené aux urgences. **Nicolae Ciortan** (14 ans), un tzigane, (2 mars 1997/Bucarest) aurait été frappé avec une matraque en caoutchouc. Le lendemain matin il aurait été soumis à la technique dite "du rouleau". **Vasile Chiriac** (17 ans), un tzigane, (9 mai 2000/Tecuci) aurait reçu des coups de poing et de matraque et sa tête aurait été cognée contre les murs. Il aurait été menacé d'être soumis à la technique dite "du rouleau". **Tiberiu Ciubotaru** (16 ans), un tzigane, (20 mars 2000/Bacau) aurait été giflé et aurait reçu des coups de poing au dos. Il aurait passé plus de 12 heures sans pouvoir ni boire ni manger. **Sandu Ciurandu** (16 ans) (28 juillet 1998/ Galati) aurait été matraqué. **Nicolae Cocos** (16 ans) (24 mai 1994/postes de police de Tufesti et de Braila) aurait été menotté aux barreaux d'une fenêtre, presque suspendu et touchant à peine le sol. Il aurait été frappé avec une matraque en bois sur tout le corps. Il se serait évanoui plusieurs fois et aurait été réanimé avec du vinaigre introduit dans sa bouche. Il aurait été ensuite menotté sur une chaise et aurait été frappé de manière à l'empêcher de dormir. Il aurait été forcé de s'agenouiller sur des grains de maïs et des coques de noix. **Liviu Codreanu** (15 ans) (14 juillet 2000/Bacau) aurait reçu des coups sur les côtes, il aurait été menotté, tiré par les cheveux et giflé. **Ionut Daniel Coibar** (15 ans) (27 juin 2000/Bacau) aurait été tiré par les cheveux et on aurait cogné sa tête contre des armoires. Il aurait reçu des coups de poing et de pied. Il aurait été bousculé par terre et frappé avec une matraque sur le dos, les pieds et la tête. **Ilie Cojocaru** (16 ans) (24 janvier 1999/Frumosu, Succava) aurait été frappé avec une batte de base-ball. Il aurait par la suite été soumis à la technique dite "du rouleau". Il aurait également été suspendu à un crochet. Il aurait en particulier été frappé sur les côtes. Ses doigts auraient été écrasés dans une porte. Il se serait évanoui. **Florin Toader Cordoneanu** (14 ans) (3 septembre 1997/Dumbraveni, Succava) aurait été violemment battu dans une maison du village par d'autres jeunes et ensuite aurait été emmené au poste de police où il aurait été forcé à signer une confession. **Adrian Costache** (17 ans) (28 novembre 1999/région de Galati, poste de police de Nicoresti) aurait été frappé avec une matraque. Il aurait reçu des coups de poing sur le visage et des coups de pied aux côtes. **Gioni Costache** (17 ans), un tzigane, (27 juillet 1999/ Barlad) aurait été frappé avec une matraque et reçu des coups sur la tête, le visage, l'estomac et les côtes. **Costel Costache** (15 ans) (16 mai 2000/Bucarest) aurait été giflé et frappé avec une matraque en caoutchouc. **Ovidiu Cretu** (17 ans) (22 novembre 1997/Farcasa et poste de police de Piatra Neamt) aurait reçu des coups de matraque, de poing et de pied ainsi que des coups avec d'autres objets. Il aurait été jeté au sol. **Ioan Dascalu** (15 ans) (26 avril 1999/Targu Neamt) aurait été giflé, aurait reçu des coups de poing sur les côtes et aurait été frappé avec une matraque. Il aurait été menotté à une table. **Ion Dobre** (15 ans) (octobre-novembre 1998/ Bucarest) aurait été jeté au sol et aurait reçu des coups de pied. Il aurait aussi été frappé avec une matraque. **Ioan Dofteanu** (17 ans) (3 avril 2000/Targu Ocna) aurait été frappé avec une matraque en caoutchouc sur le ventre et le dos, aurait reçu des coups de pied au dos et aurait été giflé au visage, au dos et au cou. **Dan Dragos** (16 ans) (5 juillet 2000/Curtea de Arges) aurait été frappé avec une matraque et aurait reçu des coups de poing et de barre aux jambes et au visage. **Elvis-Ionel Dragu** (15 ans) (4 janvier 2000/Dornesti, Suceava) aurait reçu des coups de poing et de matraque aux pieds et au dos. Il aurait aussi reçu un coup de poing à la bouche. Il se serait écroulé et aurait alors reçu des coups de pied sur tout le corps. **Remus Vasile Dumitru** (15 ans), un tzigane, (18 novembre 1998/postes de police de Roman et de Piatra Neamt) aurait reçu des coups de poing, de pied et de matraque. Il aurait aussi été battu avec une batte de base-ball. Il aurait été attaché à des barreaux. Il se serait écroulé et aurait été piétiné. **Nicusor Dumitru** (14 ans), un tzigane, (9 novembre 1999/Buftea) aurait été frappé avec une matraque sur les mains, les pieds et le dos. Il aurait reçu des coups de poing et de pied sur tout le corps. **Marian Fandache** (17 ans) (19 décembre 1997/Suceava) aurait été frappé à la tête avec une matraque. Les agents auraient utilisé des gants contenant des pièces en plomb pour le battre. Il aurait également été frappé avec une machine à écrire. Il aurait été menotté et suspendu à la tuyauterie d'un radiateur. Il aurait également été piétiné. **Emil Ciprian Flocea** (17 ans) (avril 2000/Iasi) aurait reçu des coups de poing aux côtes et à la poitrine. Il aurait été jeté au sol et piétiné. **Isitrate Petrica Florea** (16 ans), un tzigane, (juin 2000/Ivesti, Galati) aurait reçu des coups de poing sur la tête et les oreilles. **Marian Gaucan** (15 ans) (13 octobre 1999/Bucarest) aurait reçu des coups de poing sur le foie, les côtes et le dos lors de son transfert au poste de police. Là, il aurait été frappé avec une matraque en caoutchouc et d'autres objets sur tout le corps. **Florin Romeo Gheorghe** (16 ans) (6 janvier 2000/Valcea) aurait été frappé sur le dos avec une matraque. Il aurait reçu des coups de poing et de pied sur le ventre et sur la tête et il aurait été giflé. Il aurait perdu une partie de ses capacités auditives et aurait eu des sensations de vertige. **Valentin Gheorghe** (17 ans) (16 mai 2000/Bucarest) aurait été frappé au visage et aux côtes. Il aurait aussi reçu des coups de poing et de bâton en bois sur tout le corps. Il aurait eu la lèvre coupée et deux côtes fracturées. **Valentin Gheorghe** (17 ans) (9 juin 2000/Bucarest) aurait été attaché à un radiateur et frappé avec une matraque en caoutchouc sur les paumes des mains et aux pieds. Sa tête aurait été écrasée contre un mur. Il aurait reçu un coup de poing au ventre. **Daniel Gheta** (17 ans) (1^er^ juin 2000/Alexandria, Teleorman) aurait été soumis à la technique dite "du rouleau" et il aurait été frappé avec une batte de base-ball sur la poitrine et les côtes. **Valentin Ghiorghiu** (17 ans) (2 décembre 1999/Roman) aurait été giflé. Il aurait reçu des coups de poing et de coude. Il se serait écroulé. **Daniel Gongol** (14 ans) (mars 2000/Iasi) aurait été frappé avec un cintre métallique au dos et à la tête. Il aurait aussi reçu des coups de poing aux côtes. **Adrian Grosu** (16 ans) (3 janvier 2000/Piatra Neamt) aurait été soumis à la technique dite "du rouleau" et violemment battu. **Marcel Grosu** (17 ans) (23 décembre 1999/Suceava) aurait été frappé avec une matraque. Il aurait reçu des coups de pied sur ses côtes et sur le reste du corps. Il se serait écroulé et aurait alors été frappé à la tête avec une machine à écrire. **Octavian Gusti** (16 ans), un tzigane, (23 mars 1999/Bucarest) aurait été pendu à un crochet. Il aurait été soumis à la technique dite "du rouleau". Il aurait été enfermé dans une cage de chien pendant quatre heures. Dans les cellules, il aurait été violemment battu par les gardiens. **Ionut Marian Harcomita** (16 ans) (octobre/novembre 1999/Jaristea) aurait reçu des coups de poing et de pied ainsi que des gifles. Il aurait en particulier été frappé sur la poitrine, les côtes, les jambes et le ventre. **Adrian Costel Harjau** (14 ans) (22 février 1999/Braila) aurait été frappé 20 fois à chaque main avec une barre métallique. Il aurait reçu des coups au foie et aux côtes. **Daniel Hodivoianu** (14 ans) (25 octobre 1997/Bucarest) aurait été enroulé dans un tapis et frappé avec une batte de base-ball. **Marius Ionel Husa** (17 ans) (mars 1999/Bacau) aurait reçu des coups de pied et de poing l'un après l'autre. **Ilie Baronica Iancu** (17 ans) (21 mai 2000/ Bucarest) aurait été frappé avec une matraque en caoutchouc et une autre en bois. Il aurait reçu des coups de poing et de pied alors qu'il était attaché à une chaise et ensuite à un radiateur. **Sunai Iasar** (16 ans), de nationalité turque, (21 décembre 1999/Medgidia) aurait été menotté aux barreaux d'une fenêtre et frappé avec une batte de base-ball sur la tête, les côtes et le reste du corps. Il aurait perdu conscience. Il aurait été ensuite attaché par terre et aurait été piétiné dans le but de l'empêcher de se lever. **Constantin Ilcu** (17 ans) (16 août 2000/Botosani) aurait été frappé à la poitrine, au dos et aux pieds avec un bâton en bois. Il aurait aussi reçu des coups de poing à la tête et au ventre. **Viorel Iordache** (13 ans), un tzigane, (21/22 juin 1997/ Bucarest) aurait été soumis à la technique dite "du rouleau" et puis jeté par terre. Ses doigts auraient été piétinés et sa tête cognée contre une armoire. **Gheorghe Iordache** (17 ans) (printemps 2000/Dragasani, Valcea) aurait reçu des coups de pied aux jambes et des gifles au visage. Ses doigts auraient été écrasés. **Vasile Victor Iordache** (17 ans) (février 1999/Prahova) aurait reçu des coups de poing sur le foie et se serait évanoui. Il aurait été laissé seul attaché à une table durant toute une nuit. Le lendemain, le passage à tabac aurait recommencé. Il aurait, entre autres, été soumis à la technique dite "du rouleau". **Claudiu Irimia** (16 ans) (6 juin 2000/ Piatra Neamt) aurait été battu, cogné contre une armoire et frappé avec une matraque à la tête et aux pieds. Il aurait été menacé avec un chien. Il se serait évanoui et quand il aurait repris connaissance, le passage à tabac aurait recommencé. **Marius Isachi** (16 ans) (29 mars 2000/ Piatra Neamt) aurait été frappé avec une matraque et jeté par terre. Il aurait reçu des coups de poing et de pied. **Florin Ivan** (15 ans) (14 janvier 1999/Bucarest) aurait été frappé avec une barre en fer sur le visage, avec une chaise et avec des bâtons électriques. Il aurait été arrêté à nouveau le 2 mars 2000 à Bucarest. Il aurait été frappé avec une batte de base-ball. On lui aurait mis un masque à gaz et il aurait été battu avec différents objets. Il se serait évanoui. **Iulian Jornascu** (15 ans) (30 décembre 1999/ Braila) aurait été frappé avec une matraque en caoutchouc, en particulier aux côtes et aux poumons. Il se serait évanoui. **Karoly Kalo** (14 ans), un tzigane, (10 mars 2000/Odorhei Secuiesc) aurait été frappé avec une matraque. Il aurait eu le bras cassé. **Sebastian Laba** (16 ans) (14 février 1999/Brasov) aurait eu la plante des pieds frappée avec une batte de base-ball. Il aurait été frappé avec une barre de fer et aurait reçu des coups de poing sur tout le corps. Il aurait été attaché à un radiateur et frappé avec la crosse d'un pistolet. **Petru Costel Lacatus** (15 ans), un tzigane, (2 février 2000/Toplita) aurait reçu des coups de poing, de pied et de matraque en caoutchouc. **Marius Ionut Laiu** (16 ans) (3 janvier 2000/Piatra Neamt) aurait été mis sur une table et frappé avec une matraque sur la tête, le dos et les pieds. Il aurait également reçu des coups de poing. **Marius Lamba** (16 ans) (15 mars 1999/Ploiesti) aurait été forcé à s'agenouiller sur une chaise et aurait été frappé avec une matraque sur les pieds, les paumes et le visage. Il aurait reçu des coups de poing et ses doigts auraient été écrasés dans une porte. Il se serait évanoui, mais le passage à tabac aurait continué. **Nicolae Marian Leoveanu** (16 ans) (2 mars 2000/Bucarest) aurait été frappé avec une batte de base-ball et en aurait eu le vertige. Il se serait écroulé et aurait été giflé de manière à lui faire reprendre connaissance. Le passage à tabac aurait alors recommencé. **Daniela Sofia Lontkowschi** (f) (16 ans) (janvier 2000/ Iasi) aurait été tirée par les cheveux. Elle aurait reçu des coups de genou et aurait été giflée. **Marinel Luca** (17 ans) (5 juillet 2000/Piatra Neamt) aurait reçu des coups de poing et de pied. **Gheorghe Lungoci** (17 ans) (23 novembre 1999/ Radauti, Suceava) aurait été battu durant deux heures. On lui aurait en particulier donné des coups de pied aux côtes et au foie, des coups de poing sur la poitrine et des coups de bâton aux pieds et aux jambes. **Ciprian Lungu** (17 ans) (19 avril 1999/Iasi) aurait été immobilisé et frappé avec une chaise. Il aurait été forcé à faire des pompes jusqu'à l'épuisement.

Petru Ciprian Lupac (15 ans) (21 mai 2000/Pascani) aurait reçu des coups de poing, de pied et de matraque, surtout sur les paumes des mains et les pieds. Il aurait également été frappé avec un câble. Il se serait évanoui et on l'aurait giflé. **Toader Lupu** (14 ans), un tzigane, (11 avril 1999/ Galati) aurait été frappé avec une matraque au dos et aux jambes. **Cornel Lupu** (5 ans), un tzigane, (27 septembre 1999/Braila) aurait été frappé sur les pieds. Il aurait été frappé avec une matraque sur le dos. Il se serait évanoui. Dû à la gravité de son état, il aurait été transféré à l'hôpital régional et ensuite au centre de détention pour mineurs. **Vasile Florin Magureanu** (16 ans) (23 mars 2000/Ghimbav) aurait été battu au moment de l'arrestation. Au poste de police, il aurait reçu des coups de pied au ventre. **Maier Petru Cristian** (16 ans) (octobre-novembre 1999/Dej, Cluj) aurait été frappé avec une matraque et aurait reçu des coups de poing et de pied. Cela aurait duré six heures. Ces pratiques se seraient répétées au cours des trois mois suivants. **Szilvester Csaba Majlat** (17 ans), de nationalité hongroise, (mars 1998/ Brasov) aurait été frappé plusieurs fois, en particulier sur la tête, les reins et les pieds. Il aurait reçu un coup de poing sur les dents. Il aurait reçu des coups avec une matraque en caoutchouc et avec un bâton en bois. Il aurait été attaché à des crochets installés sur les murs. **Janos Majlat** (15 ans), un tzigane, (18 mars 2000/Sfantu Gheorghe, Covasna) aurait reçu des coups de pied au ventre. **Catalin Ionut Mamaligranu** (17 ans) (8 juin 2000/Piatra Neamt) aurait été obligé de se tenir contre un mur et aurait reçu des coups de poing, de pied, de genou et de bâton.

Mihalache Marian Manole (17 ans), un tzigane, (9 mai 2000/Tecuci) aurait reçu des coups de poing, de pied et de barre. **Robert Leonard Mateescu** (17 ans) (7 février 2000/Bucarest) aurait été soumis à la technique dite "du rouleau". **Vasile Marcu** (16 ans) (8 décembre 1999/Brasov) aurait reçu des coups de matraque en caoutchouc, des coups de poing et de pied à la tête. Il aurait ensuite été attaché à une chaise et ses pieds auraient été frappés. Il aurait été jeté à terre et piétiné. Le passage à tabac aurait duré cinq heures. **Ferdinand Maria** (15 ans), un tzigane, (3 février 2000/Buzau) aurait été battu avec une barre en bois sur le dos, la tête, le cou et le reste du corps. Sa mère aurait assisté aux mauvais traitements et se serait évanouie en voyant la brutalité des agents. **Florin Marin** (13 ans) (automne 1997/ postes de police de Mogosoaia et de Buftea) aurait été soumis à la technique dite "du rouleau". Il aurait été également enroulé dans un tapis et frappé avec une matraque. Il aurait reçu des coups de pied et de poing aux côtes, au foie, au dos et à la tête. **Marius Toni Marza** (16 ans) (8 février 1999/Galati) aurait été battu avec une barre et un bâton, en particulier sur les yeux. **Robert Leonard Mateescu** (17 ans) (7 février 2000/Bucarest) aurait été soumis à la technique dite "du rouleau", à des coups de poing, de pied et de matraque. **Mircea Mateica** (14 ans) (10 février 2000/Bucarest) aurait reçu des coups de poing et de pied. Il se serait écroulé, mais on aurait continué à le battre.

Ionut Mertic (17 ans) (25 mai 2000/Iasi) aurait reçu des coups de poing au ventre et sa tête aurait été cognée contre un mur. Il aurait été menacé avec un couteau. **Mihai Minescu** (15 ans) (25 janvier 1999/Albesti Paleologu, Prahova) aurait été battu avec des matraques en caoutchouc et aurait reçu des coups de poing et de pied au visage, au ventre, au dos et à la poitrine. Il aurait également reçu des coups de bâton sur la tête. **Gabriel Mititelu** (15 ans), un tzigane, (21 août 2000/Oniceni, Neamt) aurait été giflé au visage et aux oreilles. **Samir Mustafa** (15 ans), de nationalité turque, (février 2000/Constanta) aurait été battu avec une batte de base-ball et aurait reçu des coups de poing et de pied. Les coups auraient provoqué la déchirure d'un muscle de la jambe gauche. **Emin Neculai** (16 ans) (mars 2000/prison de Tichilesti) aurait reçu des coups de poing et de pied. Il aurait été battu avec des bâtons pendant deux heures. Il aurait été ensuite attaché aux barreaux d'une porte et chaque fois qu'un gardien passait devant lui, il aurait reçu des coups. Il aurait ensuite été transféré dans une cellule d'isolement, où les mauvais traitements n'auraient pas cessé. **Florin Neculaita** (15 ans) (25 juillet 1999/Borlesti, Neamt) aurait été frappé avec une matraque. Il aurait été battu avec une batte de base-ball. Il aurait reçu des coups de poing et de pied. **Petru Negrea** (17 ans) (20 décembre 1999/région de Bistrita Nasaud) aurait reçu des coups de pied, de poing et de bâton. Alors qu'évanoui, on aurait continué à le battre. **Ioan Cristian Negrescu** (15 ans), un tzigane, (3/4 mars 2000/Vaslui) aurait été frappé sur tout le corps et la tête. Il aurait reçu des coups de poing et de pied. Ces pratiques auraient duré 11 heures, au cours desquelles il n'aurait ni mangé, ni bu. **Dumitru Eugen Nimitov** (17 ans) (20/21 juillet 1998/Suceava) aurait reçu des coups de poing et des gifles. Ces pratiques se seraient renouvelées au cours du mois qu'aurait duré l'enquête. **Vasile Aurel Nita** (17 ans) (février 1999/Boldesti-Scaieni, Prahova) aurait reçu des coups de poing sur tout le corps. Il aurait été aussi forcé à s'agenouiller et aurait été frappé avec une matraque. Il aurait été attaché à un tuyau de façon à l'immobiliser pour continuer à le battre. **Cosmin Ionut Ogaru** (17 ans), un tzigane, (16 octobre 2000/prison de Colibasi) aurait été attaché et on lui aurait donné des coups de poing, de pied et de bâton. Il aurait été par la suite détaché et jeté à terre où il aurait reçu à nouveau des coups de pied. **Costel Oprea** (16 ans), un tzigane, (12 juillet 1999/poste de police de la commune de Dorobantu, Calarasi, et poste de police de Calarasi) aurait reçu des coups de pied et de matraque en caoutchouc. Il aurait été giflé. **Robert Otvos** (17 ans), de nationalité hongroise, (25 juillet 2000/Sercaia, Brasov) aurait été battu lors de son arrestation. Au poste de police, il aurait reçu des coups de poing au dos et au ventre. **Marius Padurariu** (15 ans) (27 mars 2000/Vaslui) aurait eu la tête cognée contre une armoire métallique. Ses mains et ses jambes attachées, il aurait été frappé avec des bâtons en bois. **Dumitru Marius Paduraru** (15 ans) (24 mai 2000/ Iasi) aurait reçu des coups de poing à la poitrine, à la tête et aux jambes. Il aurait également été battu avec une matraque en caoutchouc. Il aurait été attaché à une chaise. **Irinel Panainte** (16 ans) (3 mars 2000/Onesti) aurait été frappé avec une matraque. Il aurait en particulier été battu au ventre et aux côtes. **Dumitru Pandele** (15 ans), un tzigane, (20 mai 1998/Jilava) aurait été menotté et battu. En particulier, il aurait reçu des coups de poing à la poitrine. **Ionut Daniel Patrascanu** (17 ans) (15 juin 2000/Mihai Eminescu, Botosani) aurait été frappé avec une matraque en caoutchouc aux paumes et aux mains. Menotté, il aurait reçu des coups de poing sur le dos et la poitrine. Il aurait par la suite été attaché à un radiateur et il aurait reçu des coups de pied sur la poitrine. Ces mauvais traitements se seraient répétés durant trois jours. **Ion Paveliuc** (14 ans) (février 2000/ Focsani) aurait été frappé avec une matraque au dos et à la tête et aurait reçu des coups de poing et de pied au ventre. Le passage à tabac aurait recommencé à plusieurs reprises pendant les jours suivants. **Ciprian Peiu** (17 ans) (8 mai 2000/Targu-Frumos) aurait reçu des coups de poing sur la poitrine et des coups de pied au ventre. Attaché à un radiateur, il aurait été frappé avec une matraque. **Rares Petrache** (17 ans), un tzigane, (6 juin 2000/Piatra Neamt) aurait été soumis à la technique dite "du rouleau". Il aurait reçu des coups de poing et de pied, aurait été giflé et aurait été frappé avec une matraque. Sa tête aurait été cognée contre des armoires. Il se serait évanoui à deux reprises. **Corcoz Petru** (15 ans) (29 mars 2000/Galati) aurait été frappé avec une batte de base-ball sur les pieds et les côtes et aurait reçu des coups de pied sur la tête. Sa tête aurait aussi été cognée contre du béton. **Marian Pisau** (14 ans) (19 avril 1997/Bucarest) aurait reçu des coups de poing et de pied sur tout le corps. Il aurait été frappé à l'oreille gauche avec une batte de base-ball. Il aurait été menacé d'être passé à tabac une deuxième fois. **Ovidiu Marius Pop** (17 ans) (29 février 2000/département de la police de Zarnesti) aurait été frappé avec une matraque en caoutchouc sur tout le corps et sur les paumes des mains. Il aurait été giflé. Il aurait été soumis à la technique dite "du rouleau". Il serait resté 27 jours à l'hôpital pour y être traité suite au traitement auquel il aurait été soumis. **Dan Popa** (16 ans) (juin 2000/Bucarest) aurait été frappé avec une matraque aux paumes des mains. Il aurait été giflé, aurait reçu des coups de pied au dos et au ventre et aurait reçu des coups de poing à la tête. **Florin Popa** (16 ans) (12 mars 2000/Bucarest) aurait été frappé avec une matraque à la tête et partout sur le corps. Au poste de police, le passage à tabac aurait continué. **Florin Popovici** (16 ans) (14 octobre 1999/ Suceava) aurait reçu des coups de poing et de pied. Il serait tombé et il aurait été piétiné. Au poste de police, il aurait été attaché à un crochet et frappé avec une chaise. Il aurait également été frappé à la tête avec une machine à écrire. Il aurait par la suite été soumis à la technique dite "du rouleau". **Ady Robert Potcovuta** (14 ans) (28 janvier 1999/Dorohoi) aurait reçu des coups de poing et de pied alors qu'il était suspendu à un crochet. Il aurait aussi été frappé avec une matraque. Ses doigts auraient été écrasés dans une porte. **Florin Sebastian Puscas** (17 ans), un tzigane, (5 septembre 1997/ Bistrita-Nasaud) aurait reçu des coups de pied et de poing sur tout le corps. Il aurait été soumis à la technique dite "du rouleau". Il aurait été frappé avec une batte de base-ball. **Sorin Raducanu** (15 ans), un tzigane, (septembre 2000/Turnu Magurele) aurait été piétiné et aurait reçu des coups de pied et de matraque en caoutchouc. **Gheorghe Scurtu** (16 ans) (23 décembre 1999/Galati) aurait été jeté à terre et frappé avec une matraque. Il aurait reçu des coups de pied et des chocs électriques. Sa tête aurait été cognée contre les murs. **Lucian-Ionut Serban** (14 ans) (1er/2 juin 2000/Braila) aurait reçu des coups de poing et de pied. **Marius Laurentiu Serban** (17 ans) (juin 2000/Focsani) aurait été frappé sur la paume des mains avec une matraque et sa tête aurait été cognée contre une table. Il aurait par la suite reçu des coups de matraque sur tout le corps. Les mauvais traitements auraient duré deux jours, durant lesquels rien ne lui aurait été donné à boire ou à manger. **Ilie Ionut Sfadu** (17 ans) (1er octobre 1999/Suceava) aurait reçu des coups de poing, de pied et de matraque sur tout le corps. **Nelu Sillon** (17 ans) (26 février 1999/ département de la police de Bacau) aurait reçu des coups de poing et de pied. Il aurait également été frappé avec des bâtons en bois. Il aurait été jeté à terre et violemment battu. **Florin Somesan** (17 ans) (19 mai 1999/Bucarest) aurait été suspendu à un crochet de façon à ce qu'il ne puisse pas toucher le sol. Il aurait été frappé aux reins et au ventre. Il aurait été soumis à la technique dite "du rouleau" durant 20 minutes. Il aurait été ensuite forcé à s'agenouiller sur une chaise et aurait été battu au dos et aux pieds. Plus tard, il aurait reçu des coups de poing et de pied. **Hristache Stamate** (16 ans) (14 avril 1997/Galati) aurait été soumis à la technique dite "du rouleau" et frappé avec une matraque sur tout le corps. **Romeo Angel Stan** (17 ans), un tzigane, (25 octobre 1999/Braila) aurait été menotté face au mur et aurait reçu des coups de poing. Sa tête aurait été écrasée contre un mur. **Petrica Stan** (16 ans) (14 septembre 2000/Botosani) aurait été attaché à un lit et frappé avec une matraque sur les côtes et les jambes. Il aurait aussi reçu des coups de poing et de pied. Il aurait en particulier reçu des coups à la poitrine et aux genoux. **Ionut Petrica Stelea** (17 ans) (3 avril 2000/Targu Ocna) aurait été poussé contre un mur. Il aurait reçu des coups de pied et de bâton. **Mitica Stoica** (17 ans) (9 mai 2000/Tecuci) aurait été frappé avec une matraque avec des bâtons et des battes. **Tibor Sztozka** (15 ans), de nationalité hongroise, (avril 1997/Baile Tusnad) aurait reçu des coups de poing et de pied sur tout le corps. **Cristian Marian Tambui** (17 ans) (11 mars 2000/Bucarest) aurait été attaché et aurait reçu des coups de poing, de pied et de bâton en bois. Il aurait été obligé de se coucher face contre terre et on lui aurait tiré les cheveux. Il aurait été traîné dans tout le bureau et on lui aurait sauté dessus. Il aurait été frappé à la nuque avec une matraque. **Cristian Tarcau** (15 ans) (20 janvier 2000/ Moinesti) aurait été battu avec divers objets sur la tête. Lorsqu'il aurait demandé à être examiné par un médecin, il aurait été battu à nouveau. Alors que ses mains étaient menottées derrière son dos, il aurait été frappé avec une matraque. **Gheorghe Tepelus** (14 ans), un tzigane, (25 février 1999/Galati) aurait été frappé avec une queue de billard, un pied de chaise et une matraque sur la paume des mains et sur le dos. **Aurel Tepelus** (15 ans) (25 février 1999/Galati) aurait été frappé avec le pied d'une chaise jusqu'à ce qu'il s'évanouisse. Il aurait également reçu des coups de pied sur la poitrine et on lui aurait jeté de l'eau pour le réanimer. **Viorel Silviu Tigau** (16 ans) (13 janvier 2000/Fulga, Prahova) aurait reçu des coups de poing, de pied et de matraque en caoutchouc après avoir été attaché à un radiateur. **Marian Tinca** (15 ans) (25 juin 2000/Ramnicu Valcea) aurait reçu des coups de poing et de pied. On l'aurait également frappé avec le pied d'une chaise. **Nicolae Augustin Titi** (16 ans), un tzigane, (28 février 1999/ Toplita) aurait reçu des coups de poing et de pied et se serait écroulé sous une table. On l'aurait attaché à cette table et laissé ainsi jusqu'au lendemain matin. Durant la nuit les agents l'auraient battu chacun à leur tour. **Popa Toader** (15 ans) (22 février 2000/Iasi) aurait été tiré par les oreilles et giflé. **Iulian Paul Todica** (16 ans) (6 décembre 1999/Iasi) aurait reçu des coups de poing à la poitrine et des coups de pied au dos. Sa tête aurait été cognée contre une table. Il aurait reçu des coups de matraque aux pieds et aux paumes. **Ginel Toma** (15 ans) (3 mai 2000/région de Brasov) aurait reçu des coups de poing, de pied et de bâton. Il aurait été frappé à la tête, au dos, sur le foie, les bras et le visage. Il se serait évanoui. Il aurait eu de fortes douleurs et il serait resté au lit plus de deux mois sans pouvoir se lever. **Darius Tomi** (15 ans) (7 juillet 1999/Brasov) aurait été battu quotidiennement pendant 30 jours. On l'aurait attaché à une chaise et à un radiateur. Il aurait reçu des coups de poing et de pied. Les coups lui auraient provoqué un kyste à la tête dont il souffrirait encore. **Laszlo Toti** (16 ans), un tzigane, (16 mars 2000/Odorheiu Secuiesc, Harghita) aurait reçu des coups de bâton et des coups de poing, en particulier aux côtes et au ventre. **Bogdan Tudor** (17-18 ans) (juillet/août 2000/Pitesti) aurait reçu des coups de poing, de pied et de bâton. Il se serait évanoui à deux reprises mais les mauvais traitements n'auraient pas cessé pour autant. **Catalin Tudureanu** (17 ans) (31 mai 2000/Bacau) aurait reçu deux coups de poing sur la tête et trois sur le dos. **Docar Trandafir** (16 ans), un tzigane, (mars-avril 1999/ Targu Neamt) aurait été attaché sur le ventre à une table et frappé avec une matraque en caoutchouc et une en bois sur tout son corps durant une heure. Il aurait par la suite été mis par terre et aurait à nouveau été frappé avec une matraque et aurait reçu des coups de pied. **Ionut Laurentiu Trusca** (14 ans) (15 décembre 1999/Bucarest) aurait été placé dans une cellule à part où ses jambes auraient été attachées et où il aurait reçu des coups de poing et de pied. **Lucian Turcu** (17 ans), un tzigane, (24/25 avril 2000/Botosani) aurait été frappé sur les jambes et le dos avec un bâton. Il aurait été soumis à la technique dite "du rouleau". Il aurait été enveloppé dans un tapis et piétiné. **Pal Varga** (14 ans) (1^er^ décembre 1998/Bucarest) aurait été amené au bureau d'un enquêteur et là il aurait reçu des coups de pied et de poing. **Marius Catalin Varna** (17 ans) (10 janvier 2000/Iasi) aurait reçu des coups de poing sur le dos. Il aurait par la suite été frappé avec un objet en bois. **Ciorcan Vasile** (12 ans) (18 mars 1998/ Miercurea Ciuc) aurait reçu des coups de poing, de pied et de bâton. **Cristian Vasiliu** (15 ans) (28 janvier 1999/Botosani) aurait reçu des coups de poing et de pied. **Silviu Vasiliu** (16 ans) (3 septembre 1999/Brasov) aurait été frappé avec un piquet et une matraque en caoutchouc. Il aurait reçu des coups de poing et des gifles. Il aurait également été menacé avec une arme à feu. Sa main aurait été écrasée dans un tiroir. Il aurait également été soumis à la technique dite "du bouquet", qui consiste à sauter sur la victime. **Bena Vass** (16 ans), de nationalité hongroise, (18 juin 2000/Atid) aurait été frappé avec une matraque et giflé au visage, au dos et au ventre. **Aurel Velicu** (15 ans) (13 septembre 1999/Braila) aurait été matraqué. **Alexandru Vidrascu** (17 ans) (10 mai 2000/poste de police de la commune de Racaciuni, Braila et postes de police de Navodari et de Constanta) aurait reçu des coups de poing et de pied et aurait été frappé avec un bâton en bois. **Silviu Vlasie** (14 ans) (13 février 1998/Tichilesti) aurait été battu pour avoir

regardé par la fenêtre. Il aurait été frappé sur les épaules, le dos, le visage, et les paumes. **Neculai Vulpe** (17 ans) (7 mars 2000/cellules du poste de police de Tecuci) aurait reçu des coups sur la tête, le foie, la bouche, l'estomac, les jambes et le dos. **Laurentiu Vuza** (17 ans) (24 juin 1999/Scanteia, Iasi) aurait été menacé avec des armes à feu. Il aurait reçu des coups de poing et de matraque. Sa tête aurait été cognée contre un mur. **Victor Viorel Zugravu** (16 ans) (28/29 juin 1999/cellules du poste de police de Piatra Neamt) aurait été frappé avec un bâton en bois sur les pieds. Il aurait reçu des coups de pied. Il aurait en particulier été frappé au dos et aux épaules. Un pneu aurait été placé sur sa tête et il aurait par la suite été de nouveau battu. **Constantin Zmau** (15 ans) (3 janvier 2000/Neamt) aurait été frappé avec une matraque en caoutchouc sur les pieds et le dos.

Suite donnée aux plaintes signalées dans des communications précédentes

1265. Par une lettre datée du 3 janvier 2001, le Gouvernement a répondu au sujet de tous les cas que le Rapporteur spécial lui avait transmis par lettre du 5 octobre 2000 (voir E/CN.4/2001/66).

1266. Concerning **Constantin Vrabie** (ibid., para. 860), the Government stated that following the investigations carried out subsequently, the Police Inspectorate concluded that during the night in question a joint team was patrolling the town of Buzau in order to prevent acts of violence in discotheques and pubs. The police officers asked Constantin Vrabie to identify himself because he was acting violently. When he refused, he was immobilized and driven to the police station to be identified. His complaint was subject to legal action by the Military Prosecutor's Office of the Bucharest Territorial Military Tribunal, which charged the police officers with aggressive behaviour.

1267. Concerning Silviu Rosioru Laurentiu (ibid., para. 861), the Government responded that the police report stated that during the night of 25 to 26 January 2000, he had "insulted the pub personnel and refused the reasonable request of the police to provide personal identification". Later he was released and went to the Buzau county hospital where he stated that he had been assaulted by five persons. He remained hospitalized until 28 January. The Government indicated that following media coverage, the Buzau county police brought the case to the Ploiesti Military Prosecutor's Office, which was investigating the behaviour of the police officers.

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1268. By letter dated 10 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1269. **Ruslan** was reportedly arrested by the army on 5 February 2000 and detained in an unofficial detention centre in Grozny until 20 March 2000. He was reportedly confined to a dark underground cell located in a former bus maintenance depot, together with eight other men. He was allegedly placed on a stool with his hands tied behind his back, and beaten on his legs, arms and back by two or three masked soldiers with rubber truncheons and rifle butts for half an hour at a time. He reportedly lost consciousness several times. On 8 March, soldiers allegedly stuck a knife into his leg, and cut upwards very slowly.

1270. **Said Magomed Bakhaev** was among some 30 men who were reportedly detained by federal forces in the village of Mayrtup in Kurchaloy district, Republic of Chechnya, on 1 June 2001, taken to the outskirts of the village and beaten with truncheons and kicked for several hours by military officers, who ordered dogs to attack them. Four of these men, including Said Magomed, were reportedly taken to a military base, where he was beaten with truncheons and kicked with boots for several hours by the soldiers and to have been attacked by trained dogs. He allegedly lost consciousness as a result, and was taken to a military base in a critical condition and later to an unknown place of detention. Five days later two of the men were reportedly released but the whereabouts of **Said Khasan Salamov** and **Said Magomed Bakhaev** remain unknown.

1271. The Special Rapporteur has transmitted information according to which in early July 2001 special units of Russian troops on armoured personnel carriers blocked all the roads in Sernovodsk, Republic of Chechnya. About 800 men were brought to a field near the village of Samashki where they were made to kneel for about eight hours, were beaten, and some subjected to electric shocks, including **Abdul Kadyr Gubaev**, a 90-year-old man. In the evening, 40 men were allegedly taken to Achkhoy-Martan. Thirty-eight men were subsequently released but **Apti Iisigov** and **Zelimkhan Umkhanov** have reportedly since disappeared.

1272. Furthermore, the Special Rapporteur transmitted information on the following men reportedly arrested in Sernovodsk during the July operations and subsequently held incommunicado. **Soslan Bataev**, aged 17, and **Said Bataev**, arrested on 1 July 2001 by officials of the Ministry of Interior, were reportedly subjected to electric shocks and beatings, resulting in cuts and bruises; **Said-Magomed Akhmedovich**, arrested on 2 July 2001 by the Federal Armed Forces, was reportedly subjected to electric shocks, beaten with machine gun butts, punched and kicked; **Salambek Akhmudovich Amagov**, arrested on 2 July 2001 by Ministry of Interior troops, was reportedly beaten with a machine gun butt, causing damage to his internal organs; **Muslim Murtievich Mazaev**, reportedly arrested on 2 July 2001 by Ministry of Interior troops and Special Forces of the Ministry of Justice, was reportedly subjected to electric shocks, kicked, punched and hung upside down; **Visangiri Gaidaevich Madaev**, reportedly detained on 2 July by the armed forces and Ministry of Interior troops, was reportedly kicked, subjected to electric shocks and had a dog set on him, resulting in laceration wounds, contusions and trauma; **Anzor Ruslanovich Lulaev**, arrested on 2 July by Ministry of Interior troops and Special Forces of the Ministry of Justice, was reportedly kicked and subjected to electric shocks; **Magomed Sultanovich Muzaev** and **Adlan Sultanovich Muzaev** were reportedly detained in the Temporary Department of Internal Affairs of the Achkhoi-Martan region on 3 July 2001. Magomed Sultanovich Muzaev was reportedly beaten and Adlan Sultanovich Muzaev subjected to electric shocks, punched and kicked; **Vakha Susurkaev**, **Islam Eldiev, Ruslan Yasakov, Magomed Altamirov** and **Alikhan Basaev**, also detained during this operation, were allegedly subjected to beatings and electric shocks.

1273. Between 200 and 300 **inhabitants of Assinovskaya**, Republic of Chechnya, were reportedly detained by federal troops on 3 July 2001, taken to a field outside the village and beaten during questioning. They were allegedly blindfolded with their own clothes and ordered to lie on the ground for several hours. Some men were subsequently taken to a forest near Chemulga where they were released, but they reportedly stayed there for more than a day for fear of mines and attacks by other units of the federal army.

1274. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1997 and 2000 regarding which no reply had been received.

1275. By letter dated 10 August 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information concerning **Sergei Grigoryants**, the Head of the Glasnost Foundation, an organization involved in the defence of human rights, who was reportedly kicked by masked men who entered the offices of the Foundation in central Moscow on 29 August 2000. Ten commandos and a police lieutenant from the 18th precinct reportedly ordered everyone in the Foundation's office, i.e. about 12 persons, including a 10-year-old girl, at gunpoint to lie face down on the floor with their hands behind their heads. Sergei Grigoryants was reportedly kicked in the head and back. Later the officer in charge of the 18th precinct allegedly stated that he did not know anything about the incident.

1276. By letter dated 26 September 2001, the Government responded that the Office of the Procurator-General of the Russian Federation had checked the information. It was provisionally established that the Mechansky District Internal Affairs Department of the Moscow Central Administrative District had received a collective communication from residents concerning the illegal use as offices of three rooms of a communal apartment in the same building, which was municipally owned. On 15 June 2000, without any legal foundation, an agreement had been concluded with Mr. Grigoryants for the unpaid use of this apartment. On 14 July 2000, the unoccupied rooms were sealed by an inspector from the Sretenka District Operating Board (a local government sub-unit). In the course of a repeat inspection on 27 July 2000, it was discovered that the sealed offices had been opened and were illegally being used as offices of the Glasnost Foundation. On 23 August 2000, it was decided to have the apartment inspected by the police. On 28 August, Internal Affairs Department officers inspected the apartment and checked the identity papers of the people present. According to the Government, there was no violence, let alone use of weapons on that occasion. The Government pointed out that Mr. Grigoryants had submitted a similar complaint under the "1503 procedure".

1277. By letter dated 10 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information regarding deaths as a result of alleged torture in the Republic of Chechnya. It is believed that a number of persons have been arrested by military forces, held in incommunicado detention in secret places and tortured before being summarily executed. The majority of the corpses reportedly showed signs of severe mutilation, including flaying or scalping, broken limbs, severed fingertips and ears, and close-range bullet wounds said to be typical of summary executions. Examinations by medical doctors of some of these bodies have allegedly revealed that some of the deliberate mutilations had been inflicted while the persons were still alive. Mutilated corpses were said to have been discovered in unmarked graves. Some were also reported to have been simply dumped by roadsides, on hospital grounds or elsewhere.

1278. Furthermore, the Special Rapporteurs transmitted information according to which detainees have been held in secret and unofficial places of detention facilities, such as railway carriages and holding pits specifically dug in the ground at military checkpoints, where they have not been registered. It is estimated that only 10 per cent of those detained by Russian forces in the Republic of Chechnya are officially registered as detainees. In particular, the Special Rapporteurs have received information concerning the harsh conditions of detention in Khankala. It is reported that in late January and early February 2000, a number of detainees were held for days in parked, unheated and overcrowded transport vehicles. Prisoners are alleged to have been given little or nothing to eat and to have had no access to sanitary facilities. Female detainees, including a six-month-pregnant woman, are said to have been kept in cages outside the vehicles and it is alleged that one of them was raped by soldiers. Male detainees are said to have been severely beaten, in particular during interrogation sessions.

1279. According to further information received, in July 2001 Russia's top military commander in the Republic of Chechnya admitted that Russian troops were responsible for "large-scale crimes" and "lawless acts" in raiding several Chechen villages, and the chief Kremlin spokesman on the Republic of Chechnya said that some violations had been confirmed. The Kremlin-appointed administrator for all of the Republic of Chechnya is also reported to have said that Russian troops' actions were "criminal" and demanded an investigation. Chechnya's Deputy Prosecutor reportedly said that an investigation was under way but that it was too early to say whether any troops would be punished.

1280. The Special Rapporteur furthermore noted a public statement issued by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), in which the Committee referred to its findings gathered during its visits in February and March 2000 which "strongly indicated that many persons were physically ill-treated in a detention facility at Chernokozovo during the period December 1999 to early February 2000", and that "a considerable number of persons deprived of their liberty in the Republic of Chechnya since the outset of the conflict had been physically ill-treated by members of the Russian armed forces or law enforcement agencies". During its most recent visit in March 2001, the Committee reportedly received "numerous credible and consistent allegations" of severe ill-treatment by Federal forces and noted "a palpable climate of fear" of reprisals at the local level and a "general sentiment that, in any event, justice would not be done". The Committee criticized the Russian authorities for not following its recommendation to carry out a thorough and independent inquiry into events at the detention facility of Chernokozovo; rather, they reportedly denied the existence and operation of this detention facility, which, in the view of the CPT, was an "indisputable fact", confirmed by numerous Russian officials (prosecutors, investigators, custodial staff) and by persons reportedly held there during the period in question. The Committee is said to have recommended that the Russian authorities "redouble their efforts to uncover and prosecute all cases of ill-treatment of persons deprived of their liberty in the Republic of Chechnya in the course of the conflict", including the adoption of measures apparently envisaged to reinforce the different prosecutorial services involved in investigating allegations of ill-treatment, to improve cooperation between those services and to ensure a better follow-up of complaints of unlawful actions by military forces and law enforcement agencies, as well as to reinforce the support provided to the criminal justice system by the forensic medical services in the Republic of Chechnya. Furthermore, the CPT reportedly requested up-to-date information from both the Chechen Republic Prosecutor's Office and the Military Prosecutor's Office concerning cases which involve allegations of ill-treatment of persons deprived of their liberty in the Republic of Chechnya. In response, the Russian authorities are said to have refused to provide further information and to have challenged the Committee's jurisdiction.

1281. The Special Rapporteurs transmitted information on the following individual cases.

1282. **Ali Yarshurkayev** was reportedly arrested by military officers from the 245th division on 27 November 2000 at his home, in the village of Goity. On the next day, his disfigured corpse was allegedly taken by soldiers on an armed military vehicle and deposited in front of the Urus-Martan central district hospital. His fingers and wrists were allegedly broken and there was evidence of stab wounds all over his body.

1283. **Jusup Beksultanov**, a resident of the village of Samashki, was reportedly arrested by military troops on the outskirts of his village on 27 November 2000. He reportedly had his hands bound and was seated on a moving military vehicle. On the following day, his mutilated corpse bearing marks of torture was found at a military checkpoint located in the western suburbs of Samashki.

1284. **Said-Magomed Said-Rakhmanovich Delmukhanov** was reportedly amongst residents of Duba-Yurf arrested by military officers on 13 January 2000 and on behalf of whom the Special Rapporteur on torture and Chairman-Rapporteur of the Working Group on Arbitrary Detention had sent a joint urgent appeal on 24 March 2000. His body was reportedly found on 10 May 2000 in a cemetery in the village of Tangy-Chu. His ears and nose had reportedly been cut off and nooses around his neck.

1285. **Edelbek Isayev** was reportedly arrested by soldiers on 7 September 2000 during a military raid in the village of Stariye Atagi, Khalkela Shatoyskiy. He is alleged to have been previously wounded during the bombardment of the village in March 2000. Army troops had reportedly surrounded the hospital, where they found Edelbek Isayev, who needed crutches to walk. He was allegedly beaten before being taken away. His corpse was reportedly found on 13 September 2000 in a grave in the village, bearing bruises and bullet wounds.

1286. **Kal'bek Pashaev** and **Valkhi Kamilov** were reportedly arrested by members of the Oktyabrskii police department in Grozny on 8 September 2000. Their partly cremated corpses allegedly were found on 16 September in shallow graves in the vicinity of the military base in Khankal, bearing marks of torture and bullet wounds. Kal'bek Pashaev is said to have had his ears and nose cut off, his teeth smashed and his eyes poked out.

1287. **Mahmad Taimaskhanov** and **Khalimov**'s severely decomposed corpses were found on 20 September 2000 in a forest close to the village of Dzhalk. Both had allegedly been previously arrested and injured by army troops. Mahmad Taimaskhanov's eyes had allegedly been poked out.

1288. The corpses of two members of the **Agaev** family, the father and his son, were reportedly found on 9 December 2000 not far from the village of Shaami-Yuri, Achkhoi-Martan district, bearing multiple marks of torture.

1289. **Mukhaid Yusupov, Abukar Uzaev** and **Usmanov Buvaysar**, residents of the village of Mayrtup, and **Akkhiyadov Usman**, resident of the village of Bachi-Yurt, were reportedly arrested by military personnel at the village of Iliskhan-Yurt on 1 January 2001. On 12 February 2001, their corpses, bearing signs of mutilation, were found.

1290. **Husein Gaziev**, a resident of the village of Davydenko, was reportedly detained by soldiers on 21 November 2000. Soldiers allegedly put a bag over his head, put him into a vehicle and took him to an unknown location. His body was reportedly found on 24 November on the outskirts of the village of Davydenko. His nose had reportedly been cut off and his eyes gouged out, his neck bore a knife wound, the upper portion of his head had been smashed, and his fingers and toes were broken.

1291. Two brothers of the **Arsabiev** family were reportedly beaten and executed in front of their family, including their children, on 15 March 2001, when soldiers entered their village, Novogroznensky. The pregnant wife of one of the brothers, who allegedly tried to persuade the soldiers to stop the beatings, was reportedly struck by the butt of an automatic weapon.

1292. **Chimayev Adam Emiyevich** was reportedly arrested at a military checkpoint between Shali and Germenchuk and taken away on 3 December 2000. His corpse was allegedly found in a dacha not far from Khankala, close to the main base of the army in the Republic of Chechnya, after his family reportedly paid $3,000 to soldiers on 15 February 2001. He was reportedly killed by three shots in the region of the heart, and bore marks of torture and mutilation.

1293. The corpses of **Said-Rakhman Musayev, Odes Metayev** and **Magomed Magomadov**, residents of Belgatoye, were reportedly found close to Khankala on 21 February 2001. They allegedly showed evidence of beatings, in particular on the head. Their shoulders and hands were reportedly broken and two of Metayev's fingers had been cut off. They were allegedly shot in the stomach, the heart and in the head. They were all handcuffed.

1294. **Zhebir Turpalkhanov** and **Akhmed Abuyev**, held in Tsotsin Yurt, were reportedly held in a covered pit for five days in late April 2000, along with other detainees. They both were removed from the pit on 2 May 2000 and allegedly left by the side of the road, severely injured from the beatings and harsh conditions in which they had allegedly been held. Zhebir Turpalkhanov reportedly died half an hour after arriving home. Akhmed Abuyev was allegedly severely beaten with truncheons and stabbed with a large skewer. He reportedly bore visible marks of cuts on his right shoulder and on both shins and bruises on his right arm.

1295. **Said Visaev**, a 17-year-old from Urus-Martan, was reportedly detained by the army on 9 March 2000 in a field outside the village of Komsomolskoe, where large numbers of civilians who fled the village had been stranded. The next day, his body, showing multiple marks of torture, was reportedly found in a hospital building in Urus-Martan. His left eye was reportedly missing, his face was swollen and he had a large hole in the back of his head.

1296. **Aslanbek** is reported to have been detained in an unofficial detention centre in Grozny in February or March 2000. He reportedly had his wrists, hands and fingers broken. He was reportedly refused permission to see a doctor. His corpse was allegedly found on the street by his relatives.

1297. **Akhmed Zaurbekov** and **Khamzad Khasarov** were reportedly taken away by military officers on 14 January 2001. Their corpses were allegedly found at Novye Atagi, on 26 January 2001, bearing marks of torture, in particular burn marks above the eyes, on the cheek and neck and on Khasarov's right thigh. Their arms, elbows and shoulder blades were reportedly broken, and there were 10- to 15-cm-long black bruises on the front and back of their rib cages. Zaurebekov's right cheek and the right side of his neck had allegedly been skinned, and he bore a bullet wound above his left eye with an exit wound at the back of his head. He was reportedly so tightly handcuffed that the wire cut into his flesh.

1298. **Rustam Riskhanov**, his brother, **Ramzan Riskhanov**, and **Tasu Timarov**, were reportedly detained by the army on 9 December 2000 at their homes in Alkhan-Yurt. Their bodies were identified on 6 March 2001 by a relative, and reportedly bore marks of severe torture, including broken legs and knife cuts on their backs. Rustam reportedly had his neck cut and bore many wounds. Both brothers were reportedly shot through both shoulders and had been tightly handcuffed. Tasu Timarov is said to have been scalped.

1299. **Islam Tazurkaev** was reportedly detained by the army at a checkpoint on Minutka Square, on 20 January 2001, when travelling with several Chechen policemen to his home in Novye Aldi, Grozny. A bag was put over his head and he was driven toward Khankala military base. His body was reportedly identified by his relatives on 5 March 2001, when the latter learned that bodies discovered at Dachny village were laid out in Grozny. He reportedly had his legs, arms and ribs broken, a broad cut from above his right ear down to below his neck and another one on the left side, his skin was stripped off, his hands and arms had been burnt and that he had been shot straight through the eyes.

1300. **Isa Larsanov** was reportedly detained by federal soldiers wearing masks on 17 January 2001 at his home, in Alkhan-Kala. His wife reportedly identified his body, which had been taken to the October district police precinct. An eye was allegedly missing and his arms and wrists were burnt. He is also believed to have been subjected to electric shocks.

1301. **Khamsat Gerikhanov, Ilyas Gerikhanov** and **Abubakar Umarov** were reportedly subjected to torture and ill-treatment on 12 May 2001 in Kurchaloy district. **Khamdi Gerikhanov** and his son, **Umar Khamdievich Gerikhanov**, were reportedly shot dead by members of the federal forces who entered their houses.

1302. **Khasan Chimaev, Vakha Magomadov, Khanpasha Khisriev, Ibragim Magomed-Salikh Dokhtukaev** and **Magomed-Emin Dokhtutaev** were reportedly among about 120 men detained by federal troops on 16 June 2001 in Kurchaloy. Their bodies were allegedly found on 21 June 2001 by local inhabitants on the outskirts of the village. It is believed that they died as a result of beatings and torture with electric shocks on 16 June 2001. No investigation is believed to have been carried out.

1303. The men of Serzen-Yurt, near Shali, were reportedly rounded up by federal soldiers on 20 July 2001. One of them was allegedly shot in the knee when he tried to run away. The soldiers reportedly took him away and dumped his body, bearing marks and dog bites, near the village the next day.

1304. The **village of Alleroe**, in the Kurchaloevskoy region of the Republic of Chechnya, was reportedly blockaded by federal forces from 14 to 24 August 2001, leading to starvation among the population for several days. All the male inhabitants over 13 years were allegedly detained in the high school building and beaten. **Alimzhan Daudov** was reportedly beaten and had an automatic gun put against his neck. About 50 detainees were held in holes on the outskirts of the village, and 35 people in the Kurchaloevskaya Military Command. At least 10 people were reportedly shot dead, including a 17-year-old shepherd from Tsentoroy, whose body was reportedly handed over to the inhabitants of Alleroe on 21 August 2001.

1305. By letter dated 10 August 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information concerning **Zara Isaeva**, from Chechnya, who was visiting Moscow for medical treatment on 14 September 1999 when she was reportedly arrested at the home of her brother, **Zavlady Isaev**, along with one of his friends, **Musa Vagaev**. During an interrogation at a police station, she was allegedly stripped naked for an examination and threatened with being handed over to homeless vagrants to be raped. She was reportedly released after a day in detention. Zavlady Isaev and Musa Vagaev are believed to have been beaten and forced to sign a confession relating to possession of drugs.

1306. By letters dated 28 October 2001 and 16 November 2001, the Government first stated that there had been no complaints from Z. Isaeva, Z. Isaev or M. Vagev regarding their alleged illegal treatment by law enforcement officials. Inquiries established that M. Vagaev had been detained on 14 September 1999 by the Internal Affairs Department of the Moscow South-Eastern Administrative District for a drugs offence and for possession of weapons. On 14 April 2000, he was sentenced by the Moscow Kuzminsk Inter-District Court to one year's deprivation of liberty and to a suspended sentence of six months' imprisonment. Z. Isaeva was detained on 14 September 1999 for petty hooliganism and released the same day after an administrative report had been drawn up. In this connection, breaches of the law were committed by members of the militia in that they completed certain administrative documents improperly. The decision by the Head of the "Zhulebino" Internal Affairs Directorate of the Internal Affairs Department of the Moscow South-Eastern Administrative District to fine Z.S. Isaev was appealed by the Office of the Moscow Kuzminsk Inter-District Procurator. The appeal was upheld and the fine paid by Z.S. Isaev was returned to him. Representations were made to the Head of the Internal Affairs Directorate for countenancing these breaches. Z.S. Isaev was detained at 11 p.m. on 14 September 1999 for petty hooliganism. He was released at 3 a.m. on 15 September 1999 after an administrative report had been compiled. Allegations of violence used against Z.S. Isaeva, Z.S. Isaev and M.M. Vagaev were found not to be substantiated by the Office of the Moscow Kuzminsk Inter-District Procurator.

Urgent appeals

1307. On 26 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Karim Kabiri**, an Iranian asylum-seeker affiliated with the Iranian Writers' Association in exile, who was reportedly arrested at Moscow international airport, Sheremetyevo II, on 21 February 2001. He is reported to have fled Iran about six weeks previously after having been arrested several times, allegedly in connection with his political activities and his participation in anti-Government protests organized by students. During his detention in Iran he was allegedly ill-treated and in particular suffered a broken nose. After his application for political asylum was allegedly rejected in Cuba, he is said to have taken a flight to Moscow and to have tried to get off the plane when it landed in Ireland to apply for political asylum there. He was reportedly not allowed to leave the transit zone, put back on the plane and arrested on arrival in Moscow. He is said to have intended to apply for political asylum in the Russian Federation but it is believed that he was denied the opportunity to do so.

1308. By letter dated 4 June 2001, the Government responded that when he arrived at Moscow Sheremetyevo-2 Airport on 21 February, he did not tell the representative of the competent bodies that he wanted to apply for refugee status and attempted to cross the border of the Russian Federation with a false document, but was detained by staff of the Federal Border Service. Only on 5 March 2001, following the suggestion of staff of the Ministry's Information Control Post, did he submit an application for asylum, which was examined. During the preliminary examination it was established that during the aircraft's stop at Shannon airport in Ireland en route from Havana, the applicant had attempted to enter Ireland using a false Canadian passport, but was detained and put back on the above-mentioned flight. It was further revealed that he could have applied for refugee status in Cuba. During the interview, he furthermore indicated that he had left Iran for reasons not connected with his asylum application and did not fear persecution by the Iranian authorities.

1309. On 5 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Dik Altemirov**, a Chechen human rights activist who provided information to the Russian human rights group Memorial, and former Minister for Tourism and Sport and Vice-President of the Chechen Republic with responsibility for social and humanitarian issues. He had reportedly been arrested by Russian Federal forces on 24 May 2001 in Grozny. The official reason for his arrest is said to be his alleged participation in activities of Chechen armed groups.

1310. By letter dated 27 July 2001, the Government responded that Dik Altemirov was arrested in Grozny on 24 May 2001 on suspicion of involvement with an illegal armed group, pursuant to the Federal Anti-Terrorism Act of 25 July 1998. He was released upon completion of the relevant checks. The Government stated that he was never subjected to any kind of physical violence or psychological pressure, and had made a written statement to the effect that he had no complaints about his conditions of detention. He is currently living in Grozny.

Rwanda

1311. Par une lettre datée du 30 septembre 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des informations sur les cas individuels suivants.

1312. **Emmanuel Hakizimana** aurait été battu au cachot de Musambira avec un gros bâton et une houe par un soldat le 24 octobre 1999. En particulier, il aurait été frappé sur la poitrine, les jambes, les bras et le dos. Il aurait été battu parce qu'il marchait trop lentement alors qu'il était transféré sur son lieu de travail. Il aurait vomi du sang et aurait été incapable de manger. Il aurait sollicité un traitement médical au centre sanitaire local, mais il aurait été informé qu'il n'avait pas droit à des médicaments.

1313. Le Rapporteur spécial a reçu l'information selon laquelle, en octobre 1999, environ 30 ou 40 détenus du cachot de Musambira ont été placés durant quelques jours dans des cellules d'isolement comme punition. Pendant leur isolement, certains d'entre eux, parmi lesquels **Innocent Musoni, Védaste Kabeza** et **Jean-Marie Vianney Sakindi,** auraient été battus par des agents de police. Innocent Musoni aurait été giflé et battu avec des bâtons et une crosse de pistolet. Jean-Marie Vianney Sakindi aurait reçu des coups de pied et aurait été frappé avec la crosse d'un pistolet sur le dos et la mâchoire. Tous les trois auraient été "punis" pour leur supposée absence alors que les autres prisonniers travaillaient.

1314. **Révérien Nyabyenda** aurait été déshabillé et battu par le responsable de cellule de Gatagara, secteur de Birambo, le 22 octobre 1999, suite à une dispute avec son frère. Il aurait par la suite été placé en cellule d'isolement jusqu'au 26 octobre. Lors de sa sortie de la cellule d'isolement, il aurait été dans un état critique, ayant des blessures sur les épaules et au visage.

1315. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements sur les cas individuels suivants.

1316. **Félicien Gasana** serait décédé le 10 août 1999 après avoir été soumis à de mauvais traitements de la part de membres de la brigade de Nyamirambo, à Kigali. Il aurait été arrêté quatre jours auparavant à son lieu de travail, par un groupe de cinq personnes dont un agent de police et un agent civil responsable de la sécurité locale. Il aurait été emmené à la brigade de Nyamirambo et lors du trajet, aurait été battu. Le 10 août, sa famille aurait été informée de son transfert au centre hospitalier de Kigali et aurait appris qu'il était décédé le jour précédent. Son corps aurait présenté des marques de coups sur la tête et au visage. Les Rapporteurs spéciaux ont été informés que, le 9 août, des membres du corps médical auraient effectué une visite de routine à la brigade en question et auraient alors trouvé Félicien Gasana dans un état critique. Ils auraient alors demandé son transfert immédiat à l'hôpital, mais les agents militaires auraient tardé à donner leur accord.

1317. **Frodouald Ngaboyisonga, Jean-de-Dieu Hakizimana, Gakezi, Jean-Bosco Byiringiru** et **Thomas Ngarambe**, tous employés à l'usine de traitement de feuilles de thé de Nyabihu dans la commune de Karago, préfecture de Gisenyi, auraient été accusés du vol d'une machine survenu le 24 septembre 1999. Ils auraient été appréhendés le 28 septembre et placés en détention au camp militaire de Mukamira, dans la préfecture de Ruhengeri, où ils auraient été soumis à de mauvais traitements pendant plusieurs jours par des soldats de l'Armée patriotique rwandaise (APR). Ils auraient été conduits en camion au camp militaire de Mukamira. Le 29 septembre, un sixième employé de l'usine, **Cyridion Hakuzimana**, qui était absent la veille, aurait également été appréhendé par les forces armées et emmené au camp de Mukamira. Sur place, les six hommes auraient été roués de coups, les soldats exigeant des aveux. Le matin du 29 septembre, ils auraient été conduits séparément dans une salle d'interrogatoire et passés à tabac. Pendant une bonne partie de sa détention, **Cyridion Hakuzimana** aurait été placé dans une cellule en compagnie de 11 autres personnes. Ils auraient été contraints d'utiliser un bidon en guise de toilettes et certains d'entre eux auraient été constamment menottés. Jean-Bosco Byiringiru aurait été libéré le 30 septembre. Les cinq autres auraient été maintenus en détention jusqu'au 25 octobre 1999. Aucune inculpation n'aurait été prononcée à leur encontre et il semblerait que les autorités judiciaires compétentes n'aient jamais été notifiées de

leur arrestation ni de leur détention. Alors qu'ils quittaient le camp, les soldats les auraient de nouveau menacés, leur disant qu'ils seraient emmenés à Ruhengeri pour y mourir. Après sa libération, Frodouald Ngaboyisonga aurait été admis à l'hôpital de Ruhengeri, souffrant de lésions internes et avec le corps et le visage fortement tuméfiés. Il serait décédé des suites de ses blessures à son domicile de Byumba, le 11 novembre 1999, quelques jours après avoir quitté l'hôpital. Le directeur de l'usine se serait plaint de ces arrestations au commandant régional, qui aurait affirmé ne pas en avoir eu connaissance. À l'occasion d'un autre entretien, cette fois en présence du commandant du camp de Mukamira, le responsable régional aurait déclaré que les soldats n'étaient pas autorisés par la loi à procéder à des arrestations, que des civils ne devaient pas être détenus dans des établissements militaires, ni maltraités, et que les soldats responsables devaient être déférés à la justice.

1318. **Michel Ngirumpatse**, 72 ans, aurait été détenu au cachot communal de Huye, dans la préfecture de Butare, depuis 1996. Il aurait été provisoirement libéré en novembre 1999 dû à son état de santé critique, mais à nouveau incarcéré le 12 décembre 1999. Lors de son retour au cachot communal, il aurait été brutalement battu par les agents de police, y compris le chef communal de la police. Il serait décédé le jour même.

Saudi Arabia

Urgent appeals

1319. On 21 March 2001, the Special Rapporteur sent an urgent appeal on behalf of **Gary Dixon**, a British national, who had reportedly been extradited to Saudi Arabia on 15 March 2001 by the authorities of the United Arab Emirates and who was said to be held in incommunicado detention at the Ministry of the Interior in Riyadh. His extradition is said to be connected with incidents of car bombings that reportedly took place in Riyadh and al-Khobar in November and December 2000. **About nine foreign nationals**, amongst them **Alexander Mitchell**, a British national, **William Sampson**, a Canadian national, and **Ralph Schyvens**, a Belgian national, were believed to be detained in incommunicado detention. They were believed to have been arrested in December 2000. Film footage of confessions, believed to have been extracted under torture, by Alexander Mitchell, William Sampson, and Ralph Schyvens was reportedly shown on Saudi television on 4 February 2001. On 5 February, Prince Naif bin 'Abdul 'Aziz was said to have stated that the above-named individuals would be punished and tried according to Shariah law. Convictions extracted under torture may reportedly be used as the sole basis for a conviction in the Saudi Arabian judicial system.

1320. On 24 August 2001, the Special Rapporteur sent an urgent appeal on behalf of **Prabhu Isaac**, an Indian national, **Afobunor Okey Buliamin**, a Nigerian national, **Baharu Mesgistu**, an Ethiopian national, as well as **Tinsaie Gizachew, Eskinder Menghis, Gabayu, Kebrom** and **Mesfin**, all Eritrean nationals, who were reportedly in detention, some of them in incommunicado detention. It was reported that they were arrested for their Christian beliefs and activities. Prabhu Isaac was reportedly arrested on 19 July 2001 and held at Farifia prison near Jeddah. Eskinder Menghis was reportedly arrested on 25 July and held at al-Ruwais prison in Jeddah. Baharu Mesgistu, Tinsaie Gizachew, Eskinder Menghis, Gabayu, Kebrom and Mesfin and possibly others were said to have also been arrested on 19 and 20 August in Jeddah and are believed to be currently detained incommunicado at unknown locations.

1321. On 3 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **Robin** and **Nora**, a married Filipino couple, who had reportedly been sentenced to 90 lashes as well as three months' imprisonment to be followed by deportation to the Philippines after being convicted of "involvement in prostitution" by a summary court in Jouf.

Senegal

1322. Par une lettre datée du 30 septembre 2001 envoyée conjointement avec le Rapporteur spécial sur les exécutions extrajudiciaires, sommaires ou arbitraires, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des informations concernant le cas individuel suivant, auquel le Gouvernement a répondu par une lettre datée du 9 novembre 2001.

1323. **Moussa Ndom** aurait été battu à mort par 16 policiers, dont deux inspecteurs, de la Brigade de Thiaroye, dans la nuit du 19 au 20 février 1998. Les policiers se seraient acharnés sur lui alors qu'il était à terre. Ayant constaté qu'il ne bougeait plus, l'auraient par la suite déposé au dispensaire de Pikine, quartier où il habitait, avant qu'il ne soit emmené à un hôpital. Alors que le certificat médical aurait fait état d'un arrêt cardiaque, un parent du décédé, kinésithérapeute de profession, aurait constaté que Moussa Ndom avait les vertèbres cervicales cassées. Une enquête judiciaire aurait été ouverte un an après les faits. Le juge d'instruction aurait classé le dossier sans suite, estimant qu'il s'agissait d'une mort naturelle, sans qu'aucune notification n'ait été envoyée à l'avocat de la famille.

1324. Le Gouvernement a réfuté les allégations présentées ci-dessus et a indiqué qu'une opération de police menée par les commissariats de Pikine et Guédiawaye avait surpris trois jeunes garçons en train de fumer du chanvre indien. Après une course poursuite, pendant laquelle Moussa Ndom devait succomber, deux garçons furent appréhendés. Le certificat établi le 20 février 1998 conclut à la mort naturelle par cardiopathie décompensée de Moussa Ndom. Le Gouvernement a aussi précisé que le Procureur de la République près le Tribunal régional hors classse de Dakar avait saisi un juge d'instruction d'une information aux fins de rechercher les causes de sa mort, et ce conformément à l'article 66 du Code pénal. De cette enquête, rien n'était venu infirmer les conclusions du médecin légiste. Une ordonnance de non-lieu a donc été prise.

Spain

1325. Con fecha 15 de agosto de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

1326. **Aiden Judiev** habría sido detenido el 24 de febrero de 1998 por tres miembros de un grupo operativo de la policía judicial vestidos de civil. En el momento de su detención habría recibido patadas y su cabeza habría sido golpeada varias veces contra el coche policial. A continuación habría sido conducido a la comisaría de Moratalaz, Madrid, donde lo habrían tirado al suelo y le habrían dado más patadas. Los golpes le habrían provocado traumatismos en el lado izquierdo del cuerpo. Habría sido trasladado a un centro de urgencias donde una doctora habría confirmado las heridas. Antes de ingresar a la prisión de Carabanchel, Madrid, le habrían practicado unas radiografías que habrían mostrado que tenía tres costillas rotas.

1327. **Benaissa Belaouni,** un hombre de origen marroquí, habría interpuesto una denuncia contra seis policías municipales de Madrid, en octubre de 2000, debido a los malos tratos recibidos en momentos en que habría sido interceptado por agentes policiales. El nombrado habría sido acorralado y golpeado con porras. Como consecuencia, no habría podido andar durante unos días. Un informe médico confirmaría la existencia de marcas en su cuerpo. La Policía Municipal habría indicado que dos de los policías también habrían resultado heridos durante la detención de Benaissa Belaouni.

1328. En relación a la situación de los presos en los centros de detención, el Relator Especial ha transmitido información sobre los siguientes hechos.

1329. **Aurelio Fernández Álvarez**, preso en la prisión de Huelva, habría sido golpeado en la cabeza con una porra en medio de amenazas por cuatro funcionarios del centro penitenciario el 12 de septiembre de 1997. Asimismo, uno de los funcionarios le habría retorcido los testículos. Unas semanas más tarde, el 4 de octubre de 1997, tras una discusión con un funcionario, el preso **José Manuel Soriano Saltavella** habría sido obligado a desnudarse y habría recibido amenazas y golpes por parte de funcionarios. Aurelio Fernández Álvarez habría oído las amenazas y los golpes y habría golpeado la puerta de su celda en señal de protesta. Cuando los funcionarios habrían dejado de golpear a José Manuel Soriano Saltavella, habrían entrado en la celda de Aurelio Fernández Álvarez y, tras obligarle a desnudarse, un funcionario le habría propinado dos puñetazos en el estómago en medio de amenazas.

1330. **Aurelio Fernández Álvarez**, preso en el centro penitenciario madrileño de Alcalá-Meco, habría sido agredido por varios funcionarios del centro el 1º de marzo de 1999. El nombrado habría protestado de inmediato por las amenazas que le habría proferido un funcionario y como respuesta habría sido golpeado con una barra de hierro en la cabeza y en el hombro. Unas horas más tarde, varios funcionarios le habrían proferido golpes en el estómago y en las piernas. Ambas agresiones habrían sido denunciadas ante los juzgados de Alcalá de Henares. El 28 de julio de 1999, el juzgado habría decretado el sobreseimiento de la denuncia, pero esta habría sido recurrida por el detenido. El 17 de septiembre de 1999, varios funcionarios de la prisión madrileña de Alcalá-Meco le habrían rociado su cara con un spray y le habrían dado golpes con porras, puñetazos y patadas poco después de que el funcionario responsable de entregar la cena a los presos le habría insultado reiteradamente.

1331. **Eugenio Cabra Ramírez** y **Antonio Martínez Pacheco** habrían sido golpeados por funcionarios de la prisión de El Acebuche, Almería, el 1 de febrero de 1998, cuando se encontraban en celdas de aislamiento. Varios funcionarios habrían golpeado Eugenio Cabra Ramírez. Seguidamente habrían acudido donde Antonio Martínez Pacheco, al que habrían golpeado igualmente con porras y a quien habrían propinado varios golpes y patadas al tiempo que le habrían amenazado de muerte. La denuncia por estas agresiones habría sido remitida al Juzgado de Instrucción No. 5 de Almería.

1332. **Mohamed Abdelkader Abdeslam**, preso en la cárcel madrileña de Soto del Real, habría sido golpeado por funcionarios de la prisión el 5 de febrero de 1998. Los funcionarios le habrían propinado diversos golpes con las manos y con porras. Habría sido posteriormente examinado por el médico de la prisión. Durante el trayecto a la enfermería habría sido insultado y amenazado y una vez de vuelta a su módulo habría sido golpeado, causándole nuevas lesiones.

Unos meses más tarde, en dos oportunidades, habría sido nuevamente insultado y habría recibido puñetazos en la cara por parte de otro funcionario del centro y se le habría negado asistencia médica. Después de formular una denuncia, el preso habría sido trasladado a la prisión gaditana de Puerto de Santa María.

1333. **Reinaldo Gómez Guijarro** habría sido golpeado con porras por varios funcionarios de la prisión madrileña de Soto del Real el 23 de marzo de 1998, cuando éstos le habrían ordenado evacuarla para ser cambiado de galería. El 29 de diciembre de 1998, cuando se encontraba preso en la cárcel de Villabona, Asturias, habría recibido nuevamente agresiones por parte de funcionarios. En otra ocasión, varios funcionarios lo habrían golpeado con porras y le habrían dado patadas. Posteriormente habría sido mantenido atado de pies y manos a una cama. Al día siguiente, varios funcionarios le habrían ordenado salir para ser cambiado de galería, y en el pasillo un grupo más numeroso de funcionarios equipados con porras, cascos y escudos le habrían propinado diversos golpes. El 5 de febrero de 2000 habría sido nuevamente agredido por varios funcionarios del centro. Después de haber reclamado la entrega de la medicación que tendría prescrita y la presencia de un médico, habría sido golpeado por funcionarios equipados con porras y escudos que habrían penetrado en su celda. Esta agresión le habría causado tres brechas en la cabeza y una en la ceja izquierda. A continuación habría sido trasladado a otra celda donde, tras ser desnudado, habría sido inmovilizado y atado, con esposas y celofán, de pies y manos a los barrotes de una cama. Habría permanecido en esta situación hasta el 9 de febrero de 2000. Las agresiones habrían sido denunciadas sin que hasta la fecha se hubiera recibido información alguna por parte de los juzgados de Palencia.

1334. **Jesús Mingallón Calles**, preso en la cárcel de Herrera de la Mancha, Ciudad Real, habría sido golpeado repetidamente en la cara y habría sido empujado en medio de amenazas e insultos por dos funcionarios del centro penitenciario el 6 de abril de 1998. El nombrado habría sido trasladado a una celda de aislamiento, donde habría sido esposado a la cama. A la hora de cenar el preso habría solicitado tener las manos desatadas para poder comer, pero como única respuesta habría obtenido nuevas amenazas.

1335. **Pedro José Rocha Váquez**, preso en la cárcel de El Acebuche, provincia de Almería, habría sido golpeado por un funcionario del centro penitenciario el 22 de abril de 1998 después de haber pedido explicaciones por las cartas que recibiría sistemáticamente abiertas. Tras la agresión habría sido trasladado al módulo de régimen especial. Unos días más tarde, el preso habría conseguido hacer llegar a una asociación a favor de los derechos humanos la situación en la que se encontraba. A partir de ese momento habría sido aislado y se le habría negado cualquier tipo de comunicación.

1336. **Juan Pedro López Sánchez** habría sido golpeado por funcionarios de la prisión madrileña de Soto del Real, entre ellos el jefe de servicios, el 5 de julio de 1998, después de haber tenido un incidente verbal con un funcionario.

1337. **José Iglesias Jiménez**, preso en la cárcel gaditana de Puerto de Santa María, habría sido trasladado al módulo de aislamiento y, una vez allí, golpeado por funcionarios del centro penitenciario el 8 de agosto de 1998. Asimismo, habría sido esposado a la cama, permaneciendo en esta situación dos días. Una vez levantada la inmovilización, habría formulado una denuncia ante un juzgado de guardia a través de la propia institución penitenciaria.

1338. **Francisco Zurita Escalona**, preso en la cárcel de Jaén II, habría sido golpeado por funcionarios de la prisión el 21 de agosto de 1998. Durante un cacheo, uno de los funcionarios habría roto un paquete de tabaco propiedad del preso. Cuando éste protestó, seis o siete funcionarios le habrían golpeado. Seguidamente habría sido trasladado al módulo de aislamiento.

1339. **José Gregorio Mc Kanlly**, preso en la cárcel gaditana de Puerto de Santa María habría sido golpeado con porras y patadas por funcionarios de la prisión el 4 de septiembre de 1998. La agresión habría sido oída por otros presos y uno de ellos habría denunciado los hechos.

1340. **Sergio Castro Ponte** e **Ignacio Povedana**, presos en la prisión asturiana de Villabona, habrían sido golpeados por funcionarios del centro penitenciario el 18 de octubre de 1998. Los dos presos estarían en la sala de televisión del módulo de aislamiento cuando habrían solicitado a un funcionario ser trasladados al economato de la prisión para comprar tabaco. Al ser negada dicha solicitud, los presos habrían protestado y poco después habrían entrado en la sala varios funcionarios provistos de material antidisturbios y habrían golpeado a ambos en la cabeza y en el cuerpo.

1341. **Sebastián Pérez Gozán**, preso en la cárcel asturiana de Villabona, habría sido golpeado repetidamente por varios funcionarios del centro, entre ellos los jefes de servicio y de seguridad. Los hechos habrían ocurrido en la celda del preso el 26 de octubre de 1998 después de que éste habría solicitado que el médico le administrara unos tranquilizantes.

1342. **Isaac García Heredia**, preso en la cárcel de Huelva, habría sido agredido por funcionarios del centro penitenciario el 14 de noviembre de 1998. Cuatro funcionarios le habrían ordenado desnudarse para ser cacheado, le habrían golpeado con porras y encerrado en su celda. Más tarde unos funcionarios se habrían presentado en su celda y el preso, ante el temor de ser de nuevo golpeado, habría bebido el contenido de una botella de lejía. Tras esto, habría sido trasladado a otra galería, donde habría sido de nuevo agredido. Otro preso, **José Bueno Nieve**, habría presenciado la agresión y, para protestar contra los hechos, habría ingerido, él también, el contenido de una botella de lejía, teniendo que ser trasladado al hospital. Unos días más tarde, José Bueno Nieve, que ya habría regresado del hospital, habría sido agredido con porras, patadas y puñetazos por varios funcionarios y un jefe de servicios. A continuación, habría sido inmovilizado y esposado a la cama, situación en la que habría sido de nuevo golpeado.

1343. **Antonio Albao Cruz** habría sido golpeado por funcionarios de la prisión de Badajoz el 22 de diciembre de 1998. Se encontraría en el patio del centro penitenciario junto a otros presos, cuando se habrían presentado el director y funcionarios de la prisión con materiales antidisturbios, ordenando a los presos situarse de cara a la pared. En esta situación, Antonio Albao Cruz habría recibido varios golpes y patadas por parte de los funcionarios y habría perdido el conocimiento. A continuación habría sido conducido a rastras hasta su celda y, por el camino, habría recibido nuevos golpes. Al regresar del hospital provincial de Badajoz, un grupo de funcionarios le habría obligado a realizar un cacheo integral, arrebatándole los partes médicos que le habrían sido entregados.

1344. **José Luis Galdón Cabrera** habría sido agredido por funcionarios de la prisión de Ocaña II, Toledo, el 4 de enero de 1999. El jefe de servicios le habría propinado un puñetazo en el oído izquierdo mientras otro funcionario le habría inmovilizado y le habría retorcido el brazo izquierdo. Como consecuencia, habría sufrido diversas lesiones, las cuales habrían sido reconocidas por el equipo médico de la prisión. Se habría formulado una denuncia, pero el 29 de octubre de 1999, el Juzgado de Instrucción No. 1 de Ocaña habría decretado el sobreseimiento y archivo de la causa. El archivo habría sido posteriormente revocado por la Audiencia Provincial de Toledo.

1345. **Jesús Cela Seoane**, recluso en la prisión de Badajoz, habría sido objeto de malos tratos por parte de funcionarios del centro penitenciario el 30 de enero de 1999. Un funcionario le habría ordenado prepararse para ser cacheado, a lo que el preso habría respondido que sólo lo haría en presencia del jefe de servicios. Unos minutos más tarde, el jefe de servicio y otros funcionarios se habrían presentado en su celda y le habrían propinado puñetazos y patadas. Después le habrían vuelto a ordenar que se desnudase para ser cacheado y ante su negativa habría sido agredido de nuevo por los funcionarios mientras habría sido desnudado y cacheado. En febrero de 2000, el Juzgado de Instrucción No. 8 de Badajoz habría absuelto a seis funcionarios de la agresión y, al mismo tiempo, habría condenado a Jesús Cela Seoane como autor de una falta de desobediencia.

1346. **Miguel Medina Olías**, enfermo terminal de SIDA y preso en el módulo III de la cárcel madrileña de Soto del Real, habría sido objeto de una paliza por parte de funcionarios de la prisión el 30 de enero de 1999. El enfermo habría solicitado a un funcionario que lo trasladase a la enfermería del centro y este se habría negado. Un par de horas más tarde, varios funcionarios habrían entrado en su celda y le habrían propinado una paliza. Al día siguiente, Miguel Medina Olías habría sido encontrado muerto en su celda. Posteriormente el mismo funcionario habría golpeado con su porra en la cabeza de otro preso. Ante esta actitud y en señal de protesta, los presos que estaban presentes se habrían negado a tomar el desayuno. Como represalia, once presos habrían sido trasladados al módulo de aislamiento y sancionados.

1347. **Francisco Javier Domingo Martín** habría sido agredido en distintas ocasiones por varios funcionarios de la cárcel de Ponent, provincia de Lleida, el 2 de febrero de 1999. Habría sido inmovilizado, esposado y trasladado a otra celda, donde habría sido atado a la cama con una correa. Habría permanecido en esta situación hasta la tarde del día siguiente, y al ser desatado, habría ingerido medio litro de lejía. Los funcionarios le habrían golpeado reiteradamente antes de trasladarle al servicio de urgencias del hospital de Lleida. Una vez allí, el agente de la policía que le custodiaba le habría propinado un fuerte golpe en la cara luego de oír que el detenido relataba al médico el origen de sus lesiones. Las agresiones habrían sido denunciadas ante el juzgado de guardia de Lleida.

1348. **Antonio Porto Martín**, preso en la prisión de La Moraleja, Palencia, habría sido golpeado con porras y otros medios coercitivos por varios funcionarios del centro el 3 de febrero de 1999. Como consecuencia, Antonio Porto Martín habría permanecido en la enfermería de la prisión por cinco días. El 24 de marzo de 2000, Antonio Porto Martín habría sido amenazado y golpeado de nuevo por funcionarios de la cárcel de Dueñas, Palencia, después de haber tenido un percance con un funcionario. Supuestamente asustado por sus palabras, Antonio Porto Martín habría ingerido lejía y habría sido trasladado urgentemente a la enfermería. Al día siguiente, unos funcionarios lo habrían amenazado de muerte, le habrían propinado golpes de porras, y lo habrían desnudado violentamente en medio de nuevos golpes. El 8 de abril del mismo año se habría repetido un incidente similar. Los diversos hechos habrían sido denunciados pero no se habría recibido notificación alguna de los juzgados de Palencia, salvo una de las denuncias que estaría siendo investigada por el Juzgado de Instrucción No. 3 de Colmenar Viejo.

1349. **Bernabé Vallejo Fernández**, preso en la prisión de El Acebuche, provincia de Almería, habría sido agredido por varios funcionarios el 10 de febrero de 1999. El nombrado, que se encontraba en el patio, habría sido introducido de forma violenta dentro del módulo por varios funcionarios, quienes le habrían golpeado en presencia de otros presos. Posteriormente, habría sido trasladado a su celda donde habría sido nuevamente agredido y sujeto a amenazas. Una denuncia habría sido formulada ante el juzgado de guardia de Almería, pero todavía no se habría recibido ninguna notificación.

1350. **Manuel Gómez Fernández** habría sido agredido por funcionarios de la prisión de El Acebuche, provincia de Almería, el 20 de febrero de 1999. Habría sido trasladado al módulo de aislamiento, donde habría sido golpeado e insultado por parte de los funcionarios y esposado con las manos a la espalda, posición en la que habría sido mantenido toda la noche y sin que apareciese el médico que habría solicitado por padecer fuertes dolores en el cuello tras haber sufrido una operación. Habría permanecido en aislamiento durante dos días.

1351. **Agustín López Montserrat**, preso en el módulo IV de la prisión de Valdemoro, Madrid, habría sido agredido en presencia de otros presos por funcionarios del centro penitenciario provistos de escudos y porras el 23 de febrero de 1999. Los golpes le habría causado numerosas lesiones.

1352. **Manuel Martínez Romero**, preso en la cárcel madrileña de Valdemoro, habría sido agredido por cinco funcionarios de este centro el 26 de febrero de 1999. En momentos en que el nombrado habría exigido la presencia del jefe de servicios a los funcionarios que se habrían presentado a su celda para registrarla, estos lo habrían golpeado y arrastrado por el módulo IV. Después habría sido trasladado a la planta inferior donde habría sido nuevamente golpeado. Posteriormente el jefe de servicios habría ordenado su ingreso en una celda de aislamiento.

1353. **Juan José García López** habría sido agredido por funcionarios de la prisión de Puerto de Santa María, provincia de Cádiz, el 27 de febrero de 1999. Varios funcionarios se habrían presentado a su celda, le habrían propinado golpes y patadas y lo habrían trasladado al módulo de aislamiento, donde se habrían repetido los golpes. Esta agresión habría sido denunciada, pero no se habría recibido ninguna notificación por parte del juzgado.

1354. **David Moyano Cazorla**, preso en el módulo 15 de la cárcel de Dueñas, provincia de Palencia, habría sido golpeado reiteradamente con porras por funcionarios del centro penitenciario el 1º de marzo de 1999, cuando habría reclamado su derecho a efectuar una llamada telefónica y la presencia del jefe de servicios.

1355. **Ahmed Aounaich** habría sido agredido por funcionarios del módulo XV de la cárcel madrileña de Soto del Real el 5 de marzo de 1999, cuando regresaba del locutorio donde se había entrevistado con su abogado. De camino a su celda, habría sido interceptado por el encargado del módulo XV, quien le habría amenazado y propinado varios puñetazos en el pecho mientras otros funcionarios le habrían sujetado fuertemente. Luego habría sido trasladado a su celda, recibiendo por el camino nuevos golpes. Se habría formulado una denuncia por estos hechos pero no se habría recibido ninguna comunicación de los juzgados de Colmenar Viejo.

1356. **Madharbi Rachid**, preso en la prisión alavesa de Nanclares de la Oca, habría sido insultado y agredido por varios funcionarios de la cárcel el 7 de marzo de 1999. Cuando habría solicitado su ración de comida, los funcionarios le habrían ordenado acompañarles y, a la altura del despacho del jefe de servicios del módulo I de la prisión, un funcionario le habría abofeteado y le habría insultado llamándole "moro de mierda". Posteriormente, habría recibido puñetazos y patadas por parte de otros funcionarios. Una denuncia habría sido formulada ante el juzgado de guardia de Vitoria-Gasteiz.

1357. **Jesús Amador del Val, José Quilis Iniesta, Daniel Ramírez Córdoba** (véase también el caso posterior), **José Martínez Camino** y **Francisco Javier Rodríguez Gantes**, presos en la cárcel de Dueñas, Palencia, habrían sido agredidos por funcionarios del centro el 21 de marzo de 1999. Este día, Jesús Amador del Val habría provocado accidentalmente la avería de un arco detector de metales, cuando unos funcionarios se habrían abalanzado sobre él y le habrían propinado golpes de porra y patadas. Más tarde habría sido trasladado a una celda de aislamiento donde habría permanecido inmovilizado, atado de pies y manos a la cama durante 18 horas. José Quilis Iniesta y Daniel Ramírez Córdoba habrían oído dicha agresión y habrían recriminado a los funcionarios. Entonces habrían sido golpeados y trasladados a las celdas donde habrían sido esposados a la cama. Habrían sido mantenidos en estas circunstancias 18 horas durante las cuales no se les habría dado comido ni bebida y habrían tenido que hacer sus necesidades encima. Estas últimas agresiones habrían sido escuchadas por José Martínez Camino, quien a su vez protestó por esos hechos prendiendo fuego a su celda. Habría sufrido diversas heridas y habría sido aislado durante varios días. El mismo día, otros presos, incluido Francisco Javier Rodríguez Gantes, habrían sido aislados e inmovilizados. Los hechos habrían sido denunciados al juzgado No. 4 de Palencia, quien habría ordenado el archivo de las actuaciones sin practicar ninguna diligencia. Desde el mes de marzo de 1998, varias personas presas en el módulo de aislamiento habrían sido objeto de represalias por una "huelga de patio" que se habría llevado a cabo en esas fechas.

1358. **Daniel Ramírez Córdoba** habría sido golpeado por funcionarios de la prisión de Huelva el 17 de enero de 2000, cuando éstos habrían ordenado al preso salir de su celda y entregar unas rodilleras. Los funcionarios le habrían forzado a que se apoyara contra la pared para ser cacheado y le habrían golpeado con las porras en la espalda, cintura y riñones mientras le habrían amenazado. Varios presos habrían presenciado y oído la agresión y habrían presentado denuncias por ello.

1359. **Leandro Rosa Gómez** habría sido agredido con porras por varios funcionarios de la prisión de Huelva el 8 de mayo de 1999. En marzo de 2000, el Ministerio Fiscal habría formulado acusaciones contra dos funcionarios del departamento de aislamiento de la prisión en cuestión como autores de un delito de rigor innecesario en la persona de Leandro Rosa Gómez, solicitando para ambos la pena de dos años de inhabilitación. La vista del juicio oral habría sido señalada para el 13 de octubre de 2000.

1360. **Sergio Sampedro Espinosa, Manuel Catoira Casal, Francisco Martínez García, Felipe Martínez Gallego, Víctor Echevevarría Larralde** y **Mohamed Larbi** habrían sido objeto de malos tratos por funcionarios de la cárcel asturiana de Villabona el 23 de mayo de 1999. Sergio Sampedro habría solicitado reiteradamente a los funcionarios encargados la entrega de un paquete que sus familiares le habrían entregado en la mañana. Ante su insistencia, un funcionario lo habría golpeado causándole lesiones. Los otros presos mencionados habrían sido testigos del incidente y en protesta por ello habrían empezado a golpear las puertas y ventadas de sus celdas, tras lo cual habrían sido golpeados, esposados y conducidos, en algún caso, al módulo de aislamiento. El 31 de enero de 2000, el Juzgado de Instrucción No. 6 de Oviedo habría decretado el sobreseimiento de las denuncias de los presos, sin haber efectuado el preceptivo ofrecimiento de acciones a los presos, al tiempo que habría ordenado la inculpación de los mismos por delitos de daños y atentado. Se habría solicitado la nulidad de esta resolución pero ésta habría sido rechazada por el juzgado. El 29 de mayo, Sergio Sampedro habría sido trasladado a la prisión de Curtis, Teixero, donde habría sido nuevamente agredido por sus funcionarios. El 30 de mayo habría recibido un puñetazo en la cara por parte del jefe de servicios y seguidamente habría sido golpeado con porras por otros funcionarios. El preso habría solicitado asistencia médica y le habría sido prestada. Sin embargo, en presencia de la doctora del centro, habría sido golpeado otra vez con los puños y con las porras, que le habrían dejado inconsciente. Unas horas más tarde, habría sido esposado con las manos a la espalda y uno de los funcionarios habría intentado introducirle un mechero en la boca al tiempo que lo habría insultado, y otros le habrían propinado golpes con las porras y con un walkie talkie. Durante la noche le habrían golpeado de nuevo. El 1 de junio de 1999, Sergio Sampedro se habría puesto en conocimiento del juzgado de guardia de La Coruña las agresiones supuestamente sufridas y se habría solicitado que fuera reconocido por un médico forense y protección judicial ante las amenazas de muerte que habrían proferido funcionarios. A finales de agosto y principios de septiembre de 1999, la dirección de la prisión de Teixero habría ordenado la intervención de la correspondencia de Sergio Sampedro, alegando que la misma "aborda torturas, malos tratos de los funcionarios a los presos" lo que "puede afectar en un índice alto de probabilidad el orden y seguridad (del centro), atentando contra la dignidad de la función penitenciaria". El 17 de agosto de 2000, Sergio Sampedro Espinosa habría vuelto a ser agredido por funcionarios de la prisión de Soto del Real después de haber tenido una discusión con el funcionario responsable de las llamadas telefónicas. Al regresar a su celda se habría encontrado con varios funcionarios equipados con porras y escudos quienes le habrían golpeado. Posteriormente habría sido trasladado a la galería No. 3 del módulo XV, en medio de golpes y amenazas.

1361. **Carmelo Sanjuanes Núñez**, preso en la cárcel alavesa de Nanclares de la Oca, habría sido agredido el 16 de junio de 1999 por un funcionario del centro. Habría sido golpeado en medio de insultos y amenazas y posteriormente habría sido conducido a la celda de aislamiento. Cuarenta y dos presos habrían sido testigos de lo ocurrido y lo habrían denunciado al director de la prisión. Los hechos habrían sido igualmente denunciados ante el juzgado de guardia de Vitoria-Gasteiz.

1362. **Manuel Alcántara Ruiz**, preso en la cárcel de Ocaña I, provincia de Toledo, habría sido agredido por varios funcionarios del centro el 22 de junio de 1999. Habría sido sacado de su celda y golpeado por todo el cuerpo porque no habría querido asistir a un curso sobre drogodependencia. Los golpes le habrían causado varias lesiones. Tras la agresión, habría sido trasladado a una celda de aislamiento donde habría sido de nuevo golpeado por cuatro funcionarios. El Juzgado de Instrucción N °1 de Ocaña habría señalado la celebración de un juicio de faltas contra los funcionarios para el 23 de mayo de 2000. Dicho juicio se habría suspendido a solicitud de la acusación particular, para poder solicitar la práctica de nuevas diligencias de prueba.

1363. **Pedro Escudero Gallardo**, preso en la prisión madrileña de Soto Real, habría sido agredido por funcionarios del centro el 10 de julio de 1999. Al regresar del patio a su celda, se habría encontrado con cinco funcionarios del centro provistos de chalecos, porras, cascos y esposas que le estarían esperando junto a la jefa de servicios, los cuales le habrían golpeado con aquellos objetos por todo el cuerpo. Asimismo, le habrían doblado la espalda, pisado la cara y le habrían pegado golpes de tacón en la boca. La agresión le habría causado daños en las costillas, heridas y hematomas por todo el cuerpo. Poco después de la agresión, un médico le habría obligado a tomar varias pastillas y, como consecuencia, habría permanecido tres días inconsciente y sin recibir las dosis de metadona prescritas. Tras recobrar el conocimiento, habría sido trasladado a otra galería, en la que habría permanecido durante 16 días incomunicado y privado de sus pertenencias. La agresión habría sido denunciada ante los juzgados de Colmenar Viejo.

1364. **Juan M. Utrillas Mengual**, preso en la cárcel de Villanubla, provincia de Valladolid, habría sido agredido por tres funcionarios del centro el 10 de julio de 1999. Varios funcionarios se habrían presentado en su celda y le habrían ordenado que se desnudase para ser cacheado. Habría sido esposado manos a la espalda y, en esta situación, habría recibido golpes de porras y patadas. Al mismo tiempo, le habrían insultado, amenazado y rociado la cara con spray. Posteriormente habría sido trasladado a una celda de aislamiento donde habría sido esposado a una cama. Posteriormente habría sido trasladado a la prisión de Dueñas, Palencia, donde habría sido informado de que pesaba una denuncia sobre él por atentado a los funcionarios de Villanubla.

1365. **Sebastián Moreno Cortés**, preso en el centro penitenciario de Picassent, Valencia, habría fallecido en el Hospital de la Fe, Valencia, el 13 de julio de 1999 después de haber sido golpeado por funcionarios de la cárcel. El día anterior, el nombrado habría mantenido una discusión con los funcionarios después de que éstos habrían negado la visita de su familia, alegando que los familiares no llevaban el libro de familia. Tras la discusión, le habrían propinado varios golpes y le habrían trasladado a la celda de aislamiento. Habría sido trasladado al hospital donde habría muerto poco después. Su familia habría ejercido la acusación particular en la causa abierta en el Juzgado de Instrucción No.°1 de Picassent.

1366. **José Yañez Martínez**, preso en la prisión gaditana de Puerto de Santa María I, habría sido agredido por funcionarios del centro penitenciario a finales de julio de 1999, después de haber mantenido una discusión con el jefe de servicios y dos funcionarios ante la negativa de estos de darle un recibo de sus efectos personales que se vería obligado a dejar en la prisión antes de ser trasladado. Tras la discusión, habría sido trasladado al módulo de aislamiento, donde se habrían presentado funcionarios con porras y sprays. Temiendo ser agredido, el preso se habría autolesionado con un cristal de la ventana. A la mañana siguiente ocho funcionarios habrían entrado en su celda con porras y escudos con los que le habrían propinado golpes. Los golpes sólo habrían cesado cuando se habría autolesionado de nuevo. Los hechos habrían sido denunciados ante los juzgados gaditanos.

1367. **Gabriel Bea Sampedro**, preso en la cárcel de Topas, Salamanca, habría sido agredido por varios funcionarios del módulo XI del centro después de que hubiera protestado por el trato recibido cuando habría solicitado un "vis a vis" el 28 de julio de 1999. Los funcionarios le habrían rociado la cara con spray y, tras tirarle al suelo, le habrían propinado varias patadas. Posteriormente habría sido esposado con las manos a la espalda y trasladado al módulo de aislamiento, donde habría sido inmovilizado. Durante este traslado, habría sido de nuevo golpeado. Se habrían formulado denuncias sobre los hechos ante los juzgados de Salamanca.

1368. **Edmundo Balsa Franco** y **César Ruiz Beltrán** habrían sido agredidos por funcionarios de la prisión de El Acebuche, Almería, el 25 de agosto de 1999. Edmundo Balsa Franco habría sido trasladado a una celda de aislamiento después de que por motivos personales habría roto varios efectos personales en su celda. En la celda de aislamiento habría recibido varios golpes al tiempo que habría sido insultado y esposado a una cama. Otro preso, César Ruiz Beltrán, habría oído sus gritos y se habría sumado a la protesta. Poco después varios funcionarios habrían entrado en su celda y le habrían propinado golpes para que se callase. Las agresiones habrían sido denunciadas y estarían siendo investigadas por el Juzgado de Instrucción No. 7 de Almería.

1369. **Miguel Ángel Sánchez Cano**, preso en el centro penitenciario gaditano de Puerto de Santa María I, habría sido agredido por varios funcionarios de dicho centro el 26 de agosto de 1999. Habría sido sometido a un cacheo que habría considerado excesivamente riguroso y por el que habría protestado. El encargado del módulo II y varios funcionarios tras esposarlo, le habrían golpeado con manos y porras. Posteriormente habría sido trasladado a una celda de aislamiento, donde habría permanecido tres días esposado a una cama. La agresión le habría causado diversas lesiones, entre ellas una brecha en la cabeza. Una denuncia habría sido formulada.

1370. **José Chorro Leal**, preso en la prisión madrileña de Valdemoro, habría sido agredido por varios funcionarios el 29 de agosto de 1999. Los funcionarios habrían acudido a su celda y destrozado varias de sus pertinencias antes de ordenarle, entre insultos y amenazas, que se desnudase para un cacheo integral. A continuación, los funcionarios le habrían ordenado hacer flexiones y al negarse, le habrían propinado varios puñetazos en la cara y patadas en la espalda. Habría sido trasladado al módulo de aislamiento, donde habría sido de nuevo golpeado. Los hechos habrían sido investigados por el Juzgado de Instrucción No. 2 de Valdemoro, el cual habría ordenado la transformación de la causa en un juicio de faltas.

1371. **Fernando de la Fuente Iglesias** habría sido agredido por funcionarios de la prisión de Teixeiro, La Coruña, en septiembre de 1999. Habría sido golpeado con puñetazos y patadas, ante numerosos testigos, hasta que se habría autolesionado. Entonces, habría sido trasladado a una celda donde habría sido esposado a la cama, permaneciendo varios días en esta situación. La agresión habría sido denunciada.

1372. **Rosa Ruiz Uceda** y **Manuela Baldeón**, presas en la prisión madrileña de Soto del Real habrían sido agredidas por cinco funcionarias a mediados de septiembre de 1999. Rosa Ruiz Uceda se habría autolesionado haciéndose un corte en el brazo después de un incidente en el que habrían participado otras presas. Tras recibir una primera cura, habría sido trasladada a su celda, donde habría sido golpeada con porras y su cara rociada con *spray* por cinco funcionarias, entre ellas una jefe de servicio. Al acercarse a ayudarla, su compañera de celda, Manuela Baldeón, también habría sido golpeada. Una denuncia habría sido formulada, pero no se habría recibido ninguna información desde entonces.

1373. **Andrés Delgado Martín** habría sido agredido por varios funcionarios de la prisión de El Acebuche, Almería, el 13 de octubre de 1999. Después de haberse autolesionado, habría sido trasladado a la enfermería donde habría tenido una discusión con el personal médico debido al tratamiento que se le habría dispensado. En ese momento varios funcionarios le habrían propinado patadas y golpes y le habrían trasladado a una celda de aislamiento, donde habría sido nuevamente agredido por los funcionarios. Los hechos habrían sido denunciados, pero hasta la fecha no se habría recibido ninguna información por parte del juzgado.

1374. **Manuel Márquez Hita**, preso en el Centro Penitenciario de Jaén, habría sido golpeado por funcionarios del centro el 18 de noviembre de 1999 cuando se habría negado a ser sometido a un cacheo integral sin que se le hubiera facilitado una bata para cubrirse. La agresión le habría causado distintas heridas. Los hechos habrían sido denunciados pero no se habría recibido información alguna por parte del juzgado.

1375. **Roberto Carlos Fernández Pardiñas**, preso en la cárcel madrileña de Alcalá-Meco, habría sido agredido por varios funcionarios de la prisión el 27 de diciembre de 1999. Habría recibido un puñetazo por parte de un funcionario y, subsecuentemente, se habría producido un forcejeo entre el preso y varios funcionarios. Posteriormente habría sido trasladado desde el módulo III al VII, y durante el camino habría sido arrojado al suelo y golpeado reiteradamente por los funcionarios, que le habrían causado diversas heridas y hematomas. Una denuncia habría sido formulada en relación con estos hechos.

1376. **Isaac Laínez Ferrando** habría sido golpeado por varios funcionarios de la prisión gaditana de Puerto de Santa María II en la madrugada del 1 de enero de 2000. El nombrado estaría celebrando el fin de año con otros presos cuando el jefe de servicios y otros cuatro funcionarios habrían entrado en su celda, y le habrían propinado varios golpes en la cara y estómago. Minutos después, los cuatro funcionarios habrían vuelto a su celda y el preso, supuestamente para evitar una nueva agresión, se habría autolesionado produciéndose cortes en el cuello. Pese a ello, los funcionarios le habrían golpeado reiteradamente, tanto en la celda como en la enfermería a la que le habrían trasladado posteriormente.

1377. **Javier Colindres Rodríguez** habría sido agredido por varios funcionarios de la prisión madrileña de Valdemoro donde el preso habría ingresado para cumplir una pena de arresto de un fin de semana el 7 de enero de 2000. Al ingresar, habría sido amenazado e insultado por tres funcionarios de la prisión que le habrían ordenado introducirse en una "celda americana", donde lo habrían golpeado causándole lesiones. Posteriormente habría sido obligado a estar sin ropa de abrigo durante todo el día, se le habría negado la llamada telefónica a la que tendría derecho y lo habrían amenazado. El 8 de enero de 2000, el preso habría acudido a un centro médico donde habría sido asistido de las lesiones sufridas, y habría denunciado los hechos ante el juzgado.

1378. **Jesús Ángel Fernández Gómez**, preso en la cárcel alavesa de Nanclares de la Oca, habría sido agredido por funcionarios de dicha prisión el 13 de enero de 2000, cuando se disponía a regresar a su celda después de haber sido asistido en la enfermería del centro por una herida en el pie y su estado febril. El jefe del módulo I, ayudado por otros tres funcionarios le habría propinado diversos golpes con la porra, puños y patadas. A continuación habría sido trasladado al módulo de aislamiento. Los hechos habrían sido denunciados ante el juzgado.

1379. **Alejandro Rada Vargas**, preso en la prisión toledana de Ocaña I, habría sido agredido por varios funcionarios del centro el 29 de enero de 2000, cuando el preso habría solicitado la presencia del jefe de servicios después de que no habría podido hacer uso del teléfono por estar éste supuestamente averiado. Le habrían conducido a la enfermería indicándole que desde allí podría efectuar su llamada. Una vez allí, habría sido inmovilizado y golpeado por los funcionarios que le acompañaban y por otros equipados con defensas de goma. La agresión habría sido denunciada y el 11 de marzo de 2000, el Juzgado de Instrucción No. 1 de Ocaña habría decretado el archivo de las actuaciones al estimar que no se había producido infracción alguna.

1380. **Antonio Córdoba Toledo** habría sido agredido por dos agentes de la Guardia Civil el 10 de febrero de 2000 cuando regresaba a la prisión madrileña de Aranjuez desde el Hospital Gregorio Marañón, donde habría sido trasladado ese mismo día para someterse a un reconocimiento médico. Durante el reconocimiento, los funcionarios se habrían negado a retirarle las esposas y facilitarle una bata. Al contrario, le habrían apretado más las esposas causándole lesiones en las muñecas. De regreso a la prisión, los dos agentes se habrían abalanzado sobre él y, mientras uno de ellos le habría golpeado la cabeza, el otro le habría apretado los testículos. La agresión le habría provocado diversas heridas.

1381. **Antonio Gabarre Jiménez**, preso en la prisión madrileña de Aranjuez, habría sido agredido por varios funcionarios del centro penitenciario el 12 de marzo de 2000. Dos funcionarios se habrían presentado en su celda y le habrían propinado puñetazos en un costado. Los golpes le habrían dejado varias marcas que habrían sido examinadas por el médico de la prisión. A continuación, habría sido esposado en una cama de la enfermería, posición en la que habría permanecido nueve horas. La agresión habría sido denunciada, pero no se habría recibido ninguna respuesta por parte del juzgado.

1382. **Emilio Fernández Amador**, preso en el centro penitenciario Topas, Salamanca, habría sido golpeado por varios funcionarios de la prisión el 20 de marzo de 2000. Estos, se habrían presentado en su celda y le habrían propinado diversos golpes en la cabeza, causándole diversas lesiones en la cara. Posteriormente habría sido inmovilizado y esposado a la cama de una celda, situación en la que habría pasado toda una noche. Ese mismo día, se habría autolesionado clavándose dos agujas en la zona del estómago.

1383. **Javier Fernández Dios**, preso en el Centro Penitenciario de Mansilla, León, habría sido agredido por varios funcionarios del centro el 7 de abril de 2000. El preso se habría puesto nervioso y habría empezado a tirar al suelo objetos de la celda. Seis funcionarios habrían acudido y le habrían convencido de cambiar de actitud. A continuación, cuando Javier Fernández Dios habría tropezado, tirando al suelo un objeto, y habría intentado recogerlo, un funcionario le habría pisado la mano, mientras otros, le habrían golpeado causándole varias lesiones. Posteriormente, habría sido sancionado por una presunta falta de insultos y amenazas a los funcionarios. La agresión habría sido denunciada. El 16 de mayo de 1998, el mismo preso habría sido golpeado por un funcionario de la cárcel madrileña de Soto del Real, causándole lesiones en la cabeza.

1384. **Edelmiro Fernández Rial** habría sido agredido por varios funcionarios de la prisión de Teixero, La Coruña, el 12 de abril de 2000, cuando se encontraba realizando una huelga de hambre como protesta a la denegación de libertad condicional por padecer una enfermedad grave e incurable. Habría sido trasladado a una celda de aislamiento donde varios funcionarios le habrían ordenado que se levantara de la cama y como no habría podido hacerlo, lo habrían sacado de la cama y en el pasillo le habrían propinado diversos golpes. La agresión habría sido denunciada ante el juzgado de la Coruña.

1385. **Diego Gil Sabariego**, preso en la cárcel madrileña de Aranjuez, habría sido agredido por varios funcionarios de la prisión el 19 de abril de 2000. El preso, enfermo de SIDA, que se encontraría mal, le habría solicitado al Asistente Técnico Sanitario de la prisión que le facilitara la toma de metadona en la celda; éste se habría negado. A continuación, se habría producido una discusión entre el preso y los funcionarios. Poco después, los funcionarios habrían acudido a su celda y le habrían propinado diversos golpes. La agresión habría sido denunciada, pero todavía no se habría recibido ninguna información por parte del juzgado.

1386. **Rafael Herranz Sánchez**, preso en la cárcel madrileña de Navalcarnero, habría sido agredido por funcionarios de la prisión el 24 de abril de 2000. Al negarse a firmar unos documentos, los funcionarios lo habrían tirado al suelo y le habrían pisado el cuello. Tras retorcerle el brazo, le habrían obligado a abrir la mano, doblándole para ello los dedos, y a estampar sus huellas dactilares en dichos documentos. Posteriormente, habría sido sancionado con tres días de aislamiento, durante los que no habría podido llamar o escribir a nadie. Los hechos habrían sido denunciados, pero todavía no se habría recibido ninguna información por parte del juzgado.

1387. **Francisco Javier Gómez Carrasco, Fermín Faus, Fernando Soto** y **Antonio Saavedra**, presos en la prisión gaditana de Puerto de Santa María I, habrían sido agredidos por parte de funcionarios del módulo II de la prisión el 2 de mayo de 2000. En momentos en que se habría producido una discusión entre los presos, varios funcionarios equipados con porras se habrían presentado y golpeado a Francisco Javier Gómez Carrasco. Fermín Faus habría pedido que cesara la agresión y habría sido a su vez golpeado. Ambos habrían sido trasladados a celdas de aislamiento. Otros presos que se encontraban en sus celdas habrían visto lo ocurrido y habrían protestado por las agresiones. Los funcionarios habrían propinado diversos golpes a Fernando Soto y Antonio Saavedra.

1388. En relación al País Vasco, el Relator Especial notifico al Gobierno que había recibido información sobre una serie de casos de tortura y de malos tratos perpetrados por cuerpos policiales en el trascurso del año 2000. Los malos tratos contenidos en la información recibida por el Relator Especial habrían sido perpetrados por la Guardia Civil, la Policía Nacional y la Ertzaintza, la policía autonómica vasca. Un gran número de los individuos detenidos bajo la sospecha de colaboración o pertenencia a banda armada y mantenidos en situación de incomunicación de acuerdo con la legislación antiterrorista habrían sido sometidos a malos tratos durante su detención, su traslado a la comisaría y su estancia en ella, así como durante el traslado a la Audiencia Nacional (Madrid).

1389. Muchos de los detenidos habrían sido objeto de amenazas, en particular de amenazas de muerte como las siguientes: tirar al detenido por la ventana de la comisaría o por la puerta del furgón policial y simular un accidente o "te llevamos al monte y allí te matamos sin que nadie se entere". Los detenidos también serían amenazados con ser sujetos a agresiones sexuales, ser entregados a la Guardia Civil (cuerpo policial conocido entre los presos con tener fama de ser especialmente violentos con este tipo de detenidos) o ser sometido a nuevas palizas. Las amenazas también consistirían en la detención, la paliza o la violación de los amigos y familiares de los detenidos. Algunos detenidos habrían sido obligados a escuchar los gritos de sus compañeros supuestamente detenidos y golpeados en habitaciones contiguas. Otros habrían sido obligados a desnudarse en varias ocasiones y estando desnudos habrían sido objeto de golpes, de vejaciones sexuales o de simulación de violación por parte de miembros del cuerpo policial. Según la información recibida, en la mayor parte de los casos se habría buscado la extenuación física del detenido mediante la obligación de permanecer de pie durante horas; la obligación de permanecer en una posición anómala: de cuclillas, con los brazos en cruz, de pie con una pierna levantada y los brazos en cruz, esposados y sentados con la cabeza entre las piernas; y la obligación de realizar ejercicios físicos hasta la extenuación: flexiones o abdominales. Cabe señalar finalmente que los traslados de los detenidos del País Vasco a Madrid serían particularmente desagradables, pues los detenidos harían el trayecto (que suele durar unas cuatro horas) encerrados en pequeños compartimentos dentro de los furgones policiales donde tendrían que ir con la cabeza agachada entre las piernas y esposados. Cabe mencionar que la mayor parte de las personas de cuyos casos ha sido informado el Relator Especial tendrían entre 16 y 30 años. Los tratos descritos no variarían en los casos de los detenidos menores de edad.

1390. Por lo que se refiere a las garantías juridicas de los detenidos, el Relator Especial ha sido informado que, de acuerdo con el Código de Procedimiento Penal, la duración del arresto preventivo por delitos de colaboración con banda armada y de terrorismo puede llegar hasta tres días. La detención puede ser prolongada hasta dos días más, por decisión motivada en las primeras 48 horas. Mediante autorización motivada por el juez, se puede proceder a la incomunicación total del detenido. Por su parte, las fuerzas policiales pueden proceder a incomunicar al detenido mediante simple trámite de solicitar la incomunicación al juez, que debe resolver sobre dicha solicitud en un plazo de 24 horas. La casi totalidad de los detenidos de cuyos casos ha sido informado el Relator Especial habrían permanecido en estado de incomunicación total durante hasta cinco días. Se ha observado que la mayor parte de ellos habrían sido sometidos a interrogatorios sin presencia de abogado o se habrían visto asignados un abogado de oficio que durante la declaración judicial habría estado de acuerdo con su encarcelación. En este contexto, el Relator Especial ha sido informado de que la Ley de Enjuiciamiento Criminal establece que durante el arresto preventivo incomunicado el abogado es nombrado de oficio, que el detenido no puede entrevistarse con él en privado y que el hecho y el lugar de la detención no se ponen en conocimiento de los familiares o de la persona deseada. Durante la detención incomunicada, la única persona que el detenido podría ver a parte de los funcionarios de policía y el abogado de oficio sería el médico forense, dependiente directamente del Ministerio de Justicia.

1391. En la mayoría de los casos y, de acuerdo con lo establecido legalmente, el juzgado actuante en estos casos es la Audiencia Nacional, pero las personas citadas posteriormente estarían hasta la fecha en espera de juicio. Se ha observado que una denuncia relativa a los malos tratos habría sido interpuesta ante las autoridades judiciales pertinentes en casi la totalidad de los casos.

1392. El Relator Especial ha transmitido al Gobierno información sobre los siguientes casos individuales.

1393. **Izáro López Bidaguren** habría sido detenida por la Policía Nacional el 3 de enero de 2000 en Bilbao. Durante el traslado a la comisaría habría sido golpeada y amenazada. Durante el interrogatorio, mientras un policía le habría golpeado en la cara cada vez que no contestaba a una pregunta, otro lo hacía en la cabeza y un tercero le habría gritado constantemente en la oreja. Habría sido amenazada con la aplicación de diferentes métodos de tortura: "la bolsa" (consiste en introducir la cabeza en una bolsa de plástico y apretarla en el cuello hasta casi perder el conocimiento) o "la picana" (consiste en una modalidad de descarga eléctrica). Los policías le habrían dicho que no soportaría tales métodos y que acabaría por tirarse por la ventana. Uno de los policías le habría cogido del músculo que va de la espalda al cuello. La persona mencionada habría sido mantenida en estado de incomunicación desde su detención hasta el 7 de enero de 2000, fecha en que habría declarado ante un juez.

1394. **Jon Urretabizkaia Sauquillo** habría sido detenido por la Policía Nacional el 3 de enero de 2000 en Basauri, cuando uno de los policías le habría propinado un golpe en la cabeza, y durante el traslado a la comisaría, un policía habría aplastado su cabeza contra un asiento mientras los otros ocupantes del coche le habrían pegado. Una vez en la comisaría, le habrían sacado del coche estirándole del pelo, le habrían tirado al suelo y le habrían golpeado. Durante los interrogatorios dos policías le habrían pisado los antebrazos y las muñecas mientras uno le habría propinado patadas en los testículos, y otros le habrían tirado del pelo. Los insultos, las amenazas y las presiones habrían sido constantes. Posteriormente le habrían llevado a realizar el registro de su vivienda. Antes de ello, le habrían mantenido una hora dentro de un coche, con la cabeza entre las piernas, y la música y la calefacción al máximo nivel, mientras los policías habrían permanecido fuera del coche moviéndolo y golpeándolo. En un viaje a Madrid uno de los policías habría obligado a mirarle, y, con una metralleta en las manos, habría hecho el gesto de cargarla y le habría amenazado. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 7 de enero de 2000, fecha en la que habría declarado ante un juez.

1395. **Julen Uriarte Iturriaga** habría sido detenido el 3 de enero de 2000 por la Policía Nacional en Bilbao. En el momento de la detención y durante el traslado a la comisaría, habría sido golpeado y habría recibido puñetazos en la cara, la cabeza y los testículos. En la comisaría habría sido amenazado, zarandeado y golpeado por distintos policías. Habría escuchado gritos provenientes de otros detenidos que se hallaban en las habitaciones contiguas. Durante los interrogatorios, a los cuales no habría podido asistir su abogado, habría sido constantemente amenazado. Habría sido obligado a permanecer de pie y con la cabeza agachada muchas horas, lo cual habría provocado una contractura en el cuello. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 7 de enero de 2000, fecha en la que habría declarado ante un juez.

1396. **Guillermo Merino Bilbao** habría sido detenido el 3 de enero de 2000 por la Policía Nacional en Basauri. En el momento de la detención, como no facilitó su identidad, habría sido tirado al suelo y le habrían dado una patada en la cabeza. Una vez en la comisaría, habría sido golpeado y amenazado en distintas ocasiones. Habría sido objeto de interrogatorios sin presencia de abogado durante los cuales habría sido golpeado, empujado y tirado al suelo y habría recibido bofetadas y puñetazos. Antes de ser trasladado a Madrid, habría sido mantenido en el interior de un coche con la cabeza agachada y entre las piernas durante una hora y media. La persona mencionada habría permanecido en estado de incomunicación desde su detención hasta el 7 de enero de 2000, fecha en la que habría declarado ante un juez. Actualmente estaría en la prisión madrileña de Aranjuez.

1397. **Mikel Izpura** habría sido entregado por las autoridades mexicanas a la Policía Nacional que le habría detenido el 16 de enero de 2000 en el aeropuerto de Barajas (Madrid). Habría denunciado ante un juez las torturas, malos tratos y vejaciones a los que habría sido sometido en comisaría durante su detención en estado de incomunicación.

1398. **Josu Gotzon Larrea Elorriaga** habría sido entregado por las autoridades mexicanas a la Policía Nacional que le habría detenido el 16 de enero de 2000 en el aeropuerto de Barajas (Madrid). Habría sido objeto de constantes interrogatorios sin presencia de un abogado durante los cuales le habrían pegado. Asimismo, habría tenido que desnudarse, colocarse de pie contra una pared, y con los ojos vendados los policías le habrían retorcido los testículos. Uno de los policías habría escupido en el suelo y después le habrían hecho tumbarse encima boca arriba y con las piernas abiertas mientras le habrían colocado un pie encima de los testículos. Habría permanecido en estado de incomunicación desde su detención hasta el 18 de enero de 2000, fecha en la que habría comparecido ante un juez.

1399. **Mikel Arrieta Llopis** habría sido entregado por las autoridades mexicanas a la Policía Nacional que le habría detenido el 17 de enero de 2000 en el aeropuerto de Barajas (Madrid). Habría sido objeto de constantes interrogatorios durante los cuales habría sido sometido a amenazas y golpes, sobretodo en la cabeza y en los oídos. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 19 de enero de 2000, fecha en la que habría comparecido ante un juez. Actualmente se encontraría en la prisión madrileña de Navalcarnero.

1400. **José Ángel Otxoa de Eribe Landa** habría sido entregado por las autoridades mexicanas a la Policía Nacional que le habría detenido el 17 de enero de 2000 en el aeropuerto de Barajas (Madrid). Habría sido objeto de constantes interrogatorios durante los cuales habría sido sometido a amenazas hacia su familia y golpes. El nombrado habría permanecido detenido en estado de incomunicación desde su detención hasta el 18 de enero de 2000, fecha en la que habría comparecido ante un juez.

1401. **Garikoitz Gastesi** habría sido detenido por la Policía Nacional el 12 de abril de 2000 en Orereta. Durante el traslado a la comisaría, le habrían propinado golpes en la cabeza y en la cara acompañados de insultos y amenazas. Al llegar a la comisaría, le habrían tirado al suelo con las esposas puestas y le habrían colocado una silla encima mientras unos policías se habrían sentado en ella y otros le habrían propinado patadas. Le habrían colocado una bolsa de basura en la cabeza y una papelera por encima. En uno de los interrogatorios, le habrían golpeado la cabeza contra una mesa cada vez que no contestaba a una pregunta y una mujer policía le habría pegado golpes por detrás. Durante el traslado a Madrid, habría sido amenazado y una vez allí, habrían recomenzado los golpes, insultos, humillaciones y amenazas. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 14 de abril de 2000, fecha en la que habría declarado ante un juez. Habría salido en libertad el 18 de julio del mismo año tras pagar una fianza.

1402. **Gorka Urbieta Huizi** habría sido detenido por la Policía Nacional el 12 de abril de 2000 en Orereta. Habría sido sometido a interrogatorios, sin presencia de un abogado, durante los cuales habría sido amenazado y agotado físicamente. En uno de ellos un policía le habría clavado un codo en la espalda. En Madrid habría sido nuevamente sometido a interrogatorios y durante uno de ellos le habría dado un ataque de ansiedad. Los policías se habrían asustado y le habrían llevado a una casa de socorro y luego al hospital. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 14 de abril de 2000. Habría salido en libertad el 18 de julio tras pagar una fianza.

1403. **Egoitz Urbe** habría sido detenido por la Policía Nacional el 12 de abril de 2000 en Oiartzun. Durante su traslado a la comisaría habría sido objeto de amenazas y una vez llegado allí habría sido humillado y golpeado. En los interrogatorios, le habrían gritado constantemente, le habrían golpeado y le habrían amenazado. Le habrían golpeado la cabeza contra una mesa cada vez que no contestaba o no contestaba adecuadamente a las preguntas que le hacían los policías. Durante las cuatro horas que duró el traslado a Madrid, le habrían obligado a permanecer con la cabeza agachada entre las piernas. En Madrid, habría sido nuevamente objeto de interrogatorios acompañados de amenazas y golpes. En el calabozo no le habrían dejado dormir. La persona mencionada habría permanecido en estado de incomunicación desde su detención hasta el 14 de abril de 2000, fecha en la que habría declarado ante un juez. Habría salido en libertad el 18 de julio tras pagar una fianza.

1404. **Oroitz Gurrutxaga** habría sido detenido por la Policía Nacional el 12 de abril de 2000 en Orereta. Durante su traslado a la comisaría habría sido objeto de amenazas y de golpes. Al llegar allí, le habrían sacado del coche a rastras, tirándole del pelo. Habría sido sometido a interrogatorios sin presencia de un abogado durante los cuales le habrían golpeado la cabeza contra una mesa cada vez que no contestaba a una pregunta y habría sido amenazado de muerte.

Durante todo el trayecto a Madrid le habrían obligado a mantener la cabeza agachada, esposado y sin poder dormir y habría recibido otros golpes. En un de los interrogatorios realizados en Madrid, le habrían amenazado enseñándole una arma, y en otros le habrían obligado a estar de pie contra una pared durante horas. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 14 de abril de 2000, fecha en la que habría declarado ante un juez. Habría salido en libertad el 18 de julio del mismo año tras pagar una fianza.

1405. **Mikel Lujanbio** habría sido detenido por la Policía Nacional el 12 de abril de 2000 en Orereta. En las dependencias policiales habría sido golpeado y objeto de interrogatorios durante los cuales habría sido amenazado. Mientras estaba en el calabozo, le habrían impedido dormir. Le habrían obligado a aprenderse de memoria la declaración policial y, por miedo a represalias, se habría ratificado en la declaración judicial. La persona mencionada habría permanecido en estado de incomunicación desde su detención hasta el 14 de abril de 2000, fecha en la que habría declarado ante un juez. Habría quedado en libertad el 23 de junio de 2000, tras abonar una fianza.

1406. **Mikel Ostolaza** habría sido detenido por la Ertzaintza el 17 de abril de 2000 en Hernani. En la comisaría habría sido obligado a desnudarse y a ponerse contra una pared. Habría sido sometido a interrogatorios sin presencia de un abogado durante los cuales habría sido insultado y amenazado. Habría hecho el viaje a Madrid con las manos esposadas a la espalda y la cabeza agachada entre las piernas. La persona mencionada habría permanecido en estado de incomunicación desde su detención hasta el 22 de abril de 2000, cuando habría declarado ante un juez.

1407. **Gorka Imaz** habría sido detenido por la Ertzaintza el 19 de abril de 2000 en Hernani. Durante uno de los interrogatorios, un ertzaintza le habría propinado un puñetazo. En el calabozo, le habrían impedido descansar y no le habrían dado de comer durante dos días, supuestamente porque en los interrogatorios no habría respondido lo que los ertzainas querían oír. Habría permanecido en estado de incomunicación desde su detención hasta el 22 de abril de 2000.

1408. **Jokin Solano Salaberria** habría sido detenido por la Ertzaintza el 26 de abril de 2000 en Goizueta. Durante el traslado a la comisaría, habría sido amenazado e insultado. Le habrían pegado golpes en la cabeza, en la zona de la nuca y en la espalda y golpes contra una pared. Habría sido sometido a interrogatorios sin presencia de un abogado durante los cuales los insultos y las amenazas habrían sido constantes. Habría denunciado ante el médico forense el trato que habría recibido y, al ser interrogado nuevamente por los ertzainas, estos le habrían amenazado si volvía a hablar. Cuando hizo la declaración judicial, el abogado de oficio que le asistió se habría mostrado de acuerdo con la petición de encarcelamiento del fiscal. Habría permanecido en estado de incomunicación desde su detención hasta el 1° de mayo de 2000.

1409. **Iñaki Gurrutxaga Rafael**, 17 años, habría sido detenido por la Ertzaintza el 27 de abril de 2000 en Hernani. Habría hecho el traslado a la comisaría esposado a la espalda y con la cabeza entre las piernas. Una vez allí, le habrían hecho permanecer en el coche durante una hora mas o menos sin poder moverse. Le habrían dado golpes en la cabeza, en la espalda y empujones contra la pared. Los insultos, los gritos, las amenazas y la presión psicológica habrían sido constantes. En algún interrogatorio le habrían golpeado la silla y dado patadas por cada respuesta inadecuada. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 1 de mayo de 2000, fecha en la que habría comparecido ante un juez.

1410. **Ahiletz Zuloaga Larrea** habría sido detenido por la Ertaintza el 27 de abril de 2000 en Hernani. Habría tenido que hacer el trayecto hasta la comisaría de Oiartzun con la cabeza agachada entre las piernas. De allí le habrían trasladado a Gasteiz donde le habrían insultado y pegado golpes en la cabeza. En los interrogatorios le habrían hecho permanecer de pie de cara a una pared, con las manos a la espalda y la cabeza agachada y le habrían golpeado de nuevo en la cabeza. Las amenazas, los insultos y las humillaciones habrían sido constantes y por las noches no le habrían dejado dormir. Al hacer la declaración judicial, el abogado de oficio habría solicitado su ingreso en prisión. La persona mencionada habría permanecido en estado de incomunicación hasta el 1º de mayo de 2000, fecha en la que habría pasado por el juez.

1411. **Imanol Gorrtxategi**, 17 años, habría sido detenido por la Ertaintza el 27 de abril de 2000 en Hernani. Habría hecho el trayecto a la comisaría atado y con la cabeza agachada entre las piernas. Durante los interrogatorios, sin presencia de un abogado, habría sido amenazado, presionado psicológicamente y golpeado en alguna ocasión. En el calabozo le habrían impedido dormir. En la declaración judicial, el abogado de oficio habría estado de acuerdo con el fiscal cuando éste habría pedido su ingreso en prisión. Habría permanecido en estado de incomunicación hasta el 1º de mayo de 2000, fecha en la que habría pasado ante un juez.

1412. **Iñaki Miner Canflanca** habría sido detenido por la Ertzaintza el 26 de abril de 2000 en Hernani. Durante la detención le habrían empujado y durante el trayecto a la comisaría le habrían amenazado, insultado y obligado a permanecer con la cabeza agachada entre las piernas. En los interrogatorios le habrían hecho estar de pie con la cabeza agachada y las manos en la espalda. También le habrían golpeado en la cabeza, espalda y cuello. Habría hecho el viaje a Madrid con la cabeza agachada. En la Audiencia Nacional el juez no le habría creído cuando habría denunciado el trato al que habría sido sometido. Su abogado de oficio habría estado de acuerdo con la petición de prisión solicitada por el fiscal. El nombrado habría permanecido en estado de incomunicación hasta el 1 de mayo de 2000, fecha en la que habría comparecido ante un juez. Habría quedado en libertad el 23 de junio de 2000 tras abonar una fianza.

1413. **Ángel Telleria Lujanbio** habría sido detenido por la Ertzaintza el 27 de abril de 2000 en Hernani. Durante los interrogatorios en la comisaría habría sido insultado, amenazado, presionado psicológicamente y le habrían dado golpes en la cabeza. En uno de los interrogatorios habría sido amenazado con abusos sexuales. Le habrían obligado a realizar flexiones hasta el agotamiento. Habría hecho el viaje a Madrid en una furgoneta con unos cajones dentro y con la cabeza constantemente agachada. El nombrado habría permanecido en estado de incomunicación hasta el 1 de mayo de 2000, fecha en la que habría comparecido ante un juez. Habría quedado en libertad el 23 de junio de 2000 tras abonar una fianza.

1414. **Jon Gasamanes** habría sido detenido por la Ertzaintza el 27 de abril de 2000 en su domicilio, Hernani, donde habría sido esposado y golpeado contra una pared. En la comisaría habría sido golpeado de nuevo y amenazado. Habría sido objeto de interrogatorios sin presencia de un abogado. Habría sido trasladado a Madrid en una furgoneta dividida en pequeños departamentos parecidos a jaulas sin poder levantar la cabeza. En la declaración judicial, el abogado de oficio habría estado de acuerdo con la petición de encarcelamiento solicitada por el fiscal. El nombrado habría permanecido en estado de incomunicación hasta el 1° de mayo de 2000, fecha en la que habría comparecido ante un juez. Habría quedado en libertad el 23 de junio de 2000 tras abonar una fianza.

1415. **Unai Kijera** habría sido detenido por la Ertzaintza el 26 de abril de 2000 en Hernani. Al meterle en el coche para trasladarle a la comisaría, le habrían golpeado la cabeza y le habrían pegado golpes con la porra en la cabeza. Al llegar a la comisaría le habrían amenazado, pegado un par de golpes, y le habrían llevado a un calabozo donde le habrían hecho desnudarse, le habrían sacado fotos y le habrían cacheado. En uno de los interrogatorios a los cuales habría sido sometido sin presencia de abogado, le habrían hecho colocarse de cuclillas y cada vez que se habría movido le habrían golpeado las piernas. En la Audiencia Nacional habría ratificado su declaración policial por miedo a represalias. El abogado de oficio se habría mostrado de acuerdo con la petición de prisión solicitada por el fiscal. El nombrado habría permanecido en estado de incomunicación hasta el 1° de mayo de 2000, fecha en la que habría comparecido ante un juez, y habría quedado en libertad bajo fianza el 23 de junio de 2000 tras abonar una fianza.

1416. **Gotzon Aranburu** habría sido detenido por la Ertzaintza el 27 de abril de 2000 en Hernani. Los golpes, los empujones, los gritos y las amenazas habrían empezado en el momento en el que le identificaron. Habría sido traslado a la comisaría con la cabeza agachada entre las piernas y las manos esposadas a la espalda, y le habrían colocado dos chaquetas sobre la cabeza provocándole una sensación de ahogo. Habría sido sometido a interrogatorios sin presencia de un abogado durante los cuales habría sido golpeado, empujado y amenazado. En uno de los interrogatorios, habría perdido el control y se habría autolesionado. En el calabozo, las presiones habrían continuado y durante los cinco días que habría permanecido incomunicado casi no habría podido dormir. Habría sido trasladado a Madrid en una furgoneta dividida en pequeños compartimentos parecidos a jaulas sin poder levantar la cabeza. En la declaración judicial, el abogado de oficio habría pedido su ingreso en prisión. El nombrado habría quedado en libertad bajo fianza el 23 de junio de 2000 tras abonar una fianza.

1417. **Urtzi Aira Urruzola**, 17 años, habría sido detenido por la Ertzaintza el 27 de abril de 2000 en Hernani. Durante el traslado a la comisaría habría tenido que ir con las manos esposadas a la espalda y con la cabeza agachada entre las piernas. En uno de los interrogatorios le habrían golpeado en la cabeza, lo que habría provocado que se golpeara contra una pared. Las amenazas contra él y contra su familia habrían sido continuas. En la declaración judicial habría ratificado lo que le habrían hecho declarar en la policial por miedo a represalias. El abogado de oficio habría estado de acuerdo con la petición de prisión realizada por el fiscal. La persona mencionada habría permanecido en estado de incomunicación desde su detención hasta el 1° de mayo de 2000, fecha en la que habría comparecido ante un juez. Habría quedado en libertad bajo fianza el 23 de junio de 2000, tras abonar una fianza.

1418. **Eneko Alonso** habría sido detenido por la Ertzaintza el 17 de mayo de 2000 en Hernani. Durante el traslado a la comisaría, habría sido insultado, humillado y obligado a permanecer con la cabeza agachada entre las piernas. En la comisaría, habría sido interrogado sin presencia de un abogado, insultado, amenazado y presionado. En una ocasión habría sido sometido a una llave de judo, inmovilizado y golpeado contra una pared, y en otra, un ertzaina le habría escupido en la cara. Habría denunciado los malos tratos de los que habría sido objeto ante una comisión judicial, a raíz de la cual se habrían abierto una investigación. El detenido habría permanecido en estado de incomunicación hasta el 20 de mayo de 2000, fecha en la que habría pasado ante un juez. Habría salido en libertad el 23 de junio de 2000, tras abonar una fianza.

1419. **Iker Íñigo**, 16 años, habría sido detenido por la Policía Nacional el 31 de mayo de 2000 en Atarrabia. En su declaración judicial habría denunciado haber sufrido golpes, malos tratos y amenazas durante su detención. El nombrado habría permanecido en estado de incomunicación hasta el 2 de junio de 2000, fecha en la que habría comparecido ante un juez. Habría salido en libertad bajo fianza el 22 de junio de 2000, tras abonar una fianza.

1420. **Aitor Domezain Artola** habría sido detenido por la Policía Nacional el 14 de junio de 2000 en Donostia. En el momento de la detención uno de los policías le habría colocado una metralleta en el pecho y en el trayecto a la comisaría habría sido amenazado y obligado a permanecer con la cabeza cubierta y agachada entre las piernas. En la comisaría, habría sido golpeado y los policías habrían proferido amenazas contra él y contra su familia. Durante uno de los interrogatorios le habrían golpeado la cabeza contra un armario, le habrían agarrado por la cabeza y le habrían hecho agacharse mientras uno de los policías le habría dado rodillazos en los testículos y en los muslos. Habría sido trasladado a una comisaría de Madrid, donde habría sido nuevamente golpeado y amenazado. Durante su detención se habría sentido muy débil y se tiene la sospecha de que habría podido ser drogado mediante alguna substancia metida en su bebida. En los tres días que habría estado incomunicado no habría comido nada. El nombrado habría salido en libertad el 22 de diciembre de 2000 tras abonar una fianza.

1421. **Joxean Astigarraga** habría sido detenido por la Policía Nacional el 14 de junio de 2000 en Donostia. En el momento de la detención le habrían apuntado con una escopeta, le habrían tirado al suelo y poniéndose encima de él, le habrían colocado las esposas entre insultos y gritos. Habría sido golpeado y le habrían propinado patadas. En el trayecto a la comisaría y en la comisaría de Madrid habría sido amenazado de muerte y golpeado en la cabeza. En la declaración judicial habría dicho al juez que había realizado la declaración policial bajo amenazas y torturas pero éste le habría contestado gritando e irónicamente. El detenido habría permanecido en estado de incomunicación hasta el 16 de junio de 2000, fecha en la que habría comparecido ante un juez. Habría salido en libertad el 22 de diciembre de 2000 tras abonar una fianza.

1422. **Lartaun Rodríguez Aldanondo** habría sido detenido por la Policía Nacional el 14 de junio de 2000 en Donostia. Durante el traslado a la comisaría habría sido amenazado de muerte y le habrían dado tirones de pelo. En la comisaría habría sido sometido a interrogatorios sin presencia de un abogado durante los cuales habría sido golpeado en la cabeza y obligado a estar de rodillas mientras uno de los policías se le habría sentado encima. Posteriormente habría sido obligado a permanecer de cuclillas hasta el agotamiento, y luego a hacer flexiones mientras uno de los policías le habría colocado su pie debajo de los testículos y un bolígrafo en el ano. Habría sido amenazado de ser sometido al método conocido como "la bañera" (éste consistiría en intentar ahogar al detenido dentro de una bañera llena de agua o de cualquier otro líquido). Habría sido trasladado a Madrid con la cabeza agachada durante cuatro horas. En la comisaría madrileña habría sido de nuevo amenazado y golpeado. Habría denunciado ante el médico forense el trato supuestamente recibido. En la declaración judicial habría dicho al juez que había hecho la declaración policial bajo amenazas y torturas pero éste le habría contestado irónicamente. El nombrado habría permanecido en estado de incomunicación hasta el 16 de junio de 2000. Habría quedado en libertad el 22 de diciembre de 2000, tras abonar una fianza.

1423. **Aitor Abanda Pagola** habría sido detenido por la Policía Nacional el 14 de junio de 2000 en Donostia. Habría sido sometido a interrogatorios sin presencia de abogado durante los cuales habría permanecido horas de pie, habría sido golpeado y amenazado. Habría hecho el traslado a Madrid con la cabeza agachada y sin poder apoyarla en ningún sitio. En la comisaría madrileña los malos tratos habrían proseguido. En la declaración judicial habría dicho al juez que había realizado la policial bajo amenazas y presiones pero éste no le habría creído. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 16 de junio de 2000, fecha en la que habría comparecido ante el juez. Habría quedado en libertad tras pagar una fianza.

1424. **Garikoitz Mendizabal** habría sido detenido por la Policía Nacional el 14 de junio de 2000 en Donostia. En el trayecto a la comisaría, habría tenido que permanecer con la cabeza agachada entre las piernas, le habrían golpeado para que la agachara aún más y le habrían amenazado con violar a su novia, con tirarle del coche simulando un accidente y con someterle a distintos métodos de tortura. Habría sido sometido a interrogatorios sin presencia de un abogado en los que habría tenido que permanecer horas de pie o de cuclillas hasta el agotamiento. Una noche que estaba descansando en el calabozo, un policía le habría obligado a dar saltos unas siete u ocho veces en el centro del calabozo. Después de haber permanecido dos días en estado de incomunicación y haber comparecido ante un juez, habría quedado libre y sin cargos.

1425. **Gorka Iruretagoiena Mujika** habría sido detenido por la Policía Nacional el 14 de junio de 2000 en Donostia. En el coche que le llevó a la comisaría habría estado tumbado en el suelo, pisado y golpeado. Las amenazas contra él y su familia habrían sido constantes y le habrían golpeado y tirado al suelo. Tenía una herida en el dedo en carne viva y la habrían presionado hasta que casi habría perdido el conocimiento por el dolor. Habría hecho el trayecto hasta Madrid con la cabeza entre las piernas y con un jersey colocado sobre su cabeza. Como se habría negado a firmar la declaración policial, habría sido amenazado de nuevo y habría recibido patadas. Después de haber permanecido dos días en estado de incomunicación y haber comparecido ante un juez, habría quedado libre tras abonar una fianza.

1426. **Gaizka Gartzia Urbieta** habría sido detenido el 5 de julio de 2000 en Oiartzun. Al llegar a la comisaría le habrían hecho quitar la ropa para cachearle. Durante los interrogatorios habría tenido que estar de pie contra la pared con las manos en la espalda y la cabeza agachada, habría sido amenazado e insultado y le habrían golpeado varias veces en la cabeza. Le habría dado un mareo debido a la obligación de estar de pie contra una pared blanca y por el calor generado por unos focos de gran potencia. En tres días le habrían dado de comer dos veces y no le habrían dado nada para beber.

1427. **Javier Sábada García** habría sido detenido por la Policía Nacional el 4 de julio de 2000 en Girona, Cataluña. En el trayecto a la comisaría, y una vez allí, habría sido golpeado. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 6 de julio de 2000, fecha en la que habría comparecido ante un juez.

1428. **Leire Martínez Pérez** habría sido entregada por las autoridades mexicanas a la Policía Nacional el 26 de julio de 2000 en el aeropuerto de Barajas (Madrid). En el aeropuerto la médico le habría detectado una insuficiencia cardíaca, bradicardia y arritmia. Sin embargo, habría sido trasladada a la comisaría de Canillas (Madrid) donde habría sido sometida durante un día y medio a interrogatorios, amenazas y maltratos físicos. La nombrada habría permanecido en estado de incomunicación desde su detención hasta el 28 de julio de 2000.

1429. **David Pla** habría sido detenido por la Policía Nacional el 27 de julio de 2000 en Zaragoza. En el momento de detenerle le habrían puesto una pistola en la cabeza y amenazado con pegarle dos tiros si se movía. En la comisaría habría sido amenazado con distintos métodos de tortura o con hacerle desparecer forzosamente. Habría recibido golpes en la cabeza, orejas, riñones, testículos y estómago. En los interrogatorios habría tenido que permanecer durante horas de pie y con los brazos en cruz, con un pie levantado o de cuclillas con los brazos en cruz hasta la extenuación. Al caerse al suelo, le habrían levantado mediante golpes y patadas y habría sido golpeado en la cabeza cada vez que no respondía a las preguntas. Habría denunciado los malos tratos ante el forense. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 31 de julio de 2000, fecha en la que habría comparecido ante un juez.

1430. **Aitor Lorente** habría sido detenido por la Policía Nacional el 27 de julio de 2000 en Zaragoza. En los interrogatorios habría recibido numerosos golpes en la cabeza, oídos y genitales y puñetazos en el pecho. Habría sido obligado a realizar flexiones y ejercicios físicos de todo tipo con el supuesto objetivo de agotarle físicamente. El primer día habría perdido el conocimiento mientras era interrogado. Habría sentido un hormigueo en el brazo, punzadas y dolor en el pecho y dificultades para respirar. Se habría llamado a la unidad móvil de bomberos y le habrían dicho que tenía un soplo en el corazón. Durante los interrogatorios habría tenido que desnudarse y hacer flexiones y habría sido humillado y, en uno de ellos, le habrían colocado dos objetos de metal en la espalda y un policía habría dicho que solo faltaba la corriente. Las amenazas habrían sido constantes. En el traslado a Madrid no le habrían dejado dormir por los golpes que le habrían dado en la cabeza. Habría denunciado los malos tratos y las amenazas ante el médico forense y éste no le habría creído. La persona nombrada habría permanecido en estado de incomunicación desde su detención hasta el 31 de julio de 2000, fecha en la que habría comparecido ante un juez.

1431. **Aritz Aiestaran**, 16 años, habría sido detenido por la Ertzaintza el 11 de agosto de 2000 en Donostia. El momento de la detención habría sido bastante brusco, y al haber disturbios en la calle, habría sido utilizado como escudo. En la comisaría le habrían obligado a desnudarse para cachearle. Habría sido obligado a mirar permanente al suelo y en una ocasión lo habrían golpeado porque habría levantado la cabeza. Cada vez que le habrían sacado del calabozo lo habrían hecho a empujones. Su solicitud de ser examinado por un médico forense habría sido denegada.

1432. **Jordi García** habría sido detenido por la Ertzaintza el 10 de septiembre de 2000 en un bar de Donostia. Al haber disturbios en la calle, lo habrían utilizado como escudo. La primera noche que pasó en el calabozo habría tenido que permanecer unas diez horas de pie mirando a la pared. Durante los interrogatorios habría recibido golpes en la parte trasera de la cabeza cada vez que no habría respondido con los términos indicados por la policía. Habría sido amenazado, insultado y humillado en distintas ocasiones. En la declaración judicial habría denunciado los malos tratos de los que habría sido objeto pero la juez habría afirmado que no se abriría ninguna investigación sobre el caso sino se interponía una denuncia formal.

1433. **Oskar Amaro** habría sido detenido por la Ertzaintza el 12 de agosto de 2000 en Bilbao. En la comisaría habría sido objeto de interrogatorios durante los cuales habría sido sometido a amenazas y presiones. En uno de ellos se habría puesto nervioso y se habría acercado a un ertzaina quien le habría tirado al suelo y se habría dado un golpe en la sien. Seguidamente habría sido trasladado a un hospital, donde le habrían inyectado tranquilizantes.

1434. **Eneko Zestau Aranibar** habría ido detenido por le Policía Municipal el 15 de agosto de 2000 en Iruñea y seguidamente entregado a la Policía Nacional. En la comisaría de la Policía Nacional habría sido sometido a interrogatorios sin presencia de un abogado en los que habría sido golpeado en la cabeza y le habrían colocado bolsas de basura en la cabeza impidiéndole respirar. Habría recibido golpes en los testículos y habría sido amenazado de muerte con una pistola en la cabeza. En uno de los interrogatorios le habrían atado las manos al pecho y las piernas a una silla y le habrían tapado los ojos con papel higiénico. Entonces le habrían bajado los pantalones y calzoncillos a la vez que le habrían colocado algo en el vello de los genitales diciéndole que eran electrodos. En otra ocasión, habrían apagado la luz de la habitación y habría tenido que colocarse contra una pared de pie y permanecer en esta posición durante horas mientras era interrogado. Habría denunciado los malos tratos de los que habría sido objeto al medico forense que le examinó. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 17 de agosto de 2000, fecha en que habría comparecido ante un juez.

1435. **Gorka Urteaga Ardoia** habría sido detenido por la Guardia Civil el 20 de septiembre de 2000 en Bakaiku y trasladado a Madrid. Allí habría sido amenazado con distintos métodos de tortura. Durante los interrogatorios habría sido constantemente golpeado. En varias ocasiones habría tenido que permanecer durante aproximadamente una hora y media de pie contra una pared del calabozo. Habría sido forzado a coger una pistola y habría sido amenazado seguidamente con la acusación de pertenencia a banda armada. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 22 de septiembre de 2000, fecha en la que habría comparecido ante un juez. Habría quedado en libertad el 20 de enero de 2001, tras abonar una fianza.

1436. **Iñaki Urteaga Ardoia** habría sido detenido por la Guardia Civil el 20 de septiembre de 2000 en Bakaiku. Durante su detención habría sido sometido al método conocido como "la bolsa" en dos ocasiones, habría recibido golpes en la cabeza y habría sido amenazado constantemente con la aplicación de una imputación mayor en el caso de que no admitiera algún tipo de relación con los hechos de que le acusaban. La persona mencionada habría permanecido en estado de incomunicación desde su detención hasta el 22 de septiembre de 2000, fecha en la que habría comparecido ante un juez. Habría salido en libertad el 3 de febrero de 2001, tras abonar una fianza.

1437. **Amaia Paskual** habría sido detenida por la Policía Nacional el 26 de septiembre de 2000 en Orereta. Habría sido repetidamente amenazada y llevada a un descampado, donde la habrían tenido un rato con el fin de asustarla. Habría sido sometida a interrogatorios sin presencia de un abogado en los que habría sido golpeada en la cabeza y tirada del pelo. Le habrían hecho ponerse de pie y sentarse continuamente hasta el agotamiento.

1438. **Jon Igor Solana** habría sido detenido por la Policía Nacional el 16 de octubre de 2000 en Sevilla. En el momento de la detención habría sido golpeado en la cabeza con una pistola y al ser introducido en el coche su cabeza habría sido golpeada con el mismo. Habría sido sometido a interrogatorios sin presencia de un abogado, a golpes, patadas y puñetazos, sobre todo en la cabeza y en la cara. En una ocasión, mientras estaría tumbado al suelo por los golpes supuestamente recibidos, habrían intentado pisarle los testículos con la pata de una mesa. Habría tenido que desnudarse, taparse los ojos y poner los brazos en cruz mientras habría sido golpeado y pellizcado justo encima de la clavícula. Estando desnudo, uno de los policías le habría estrujado los testículos poco a poco, alargando de esta forma el dolor producido. Durante su detención, habría sido constantemente insultado, humillado y amenazado. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 20 de octubre de 2000, fecha en la que habría comparecido ante un juez.

1439. **Harriet Iragi** habría sido detenido por la Policía Nacional el 16 de octubre de 2000 en Sevilla. En el momento de la detención tendría un brazo herido que los policías habrían pisado, golpeado y presionado. Habría sido trasladado a la comisaría, donde habría sido sometido a interrogatorios sin presencia de un abogado durante los cuales habría sido golpeado y le habrían echado una jarra de agua fría. Al cabo de unas cuatro horas le habrían llevado al hospital, donde le habrían hecho exámenes médicos y le habrían operado el brazo herido. Le habrían dado de alta en dos días y habría sido de nuevo trasladado a la comisaría donde habrían seguido los interrogatorios, los golpes, las amenazas, las humillaciones y los insultos. El nombrado habría permanecido detenido en estado de incomunicación desde su detención hasta el 20 de octubre de 2000, fecha en la que habría comparecido ante un juez.

1440. **Ibon Muñoa Arrizabalaga** habría sido detenido por la Policía Nacional el 18 de octubre de 2000 en Eibar y habría permanecido dos días incomunicado durante los cuales habría sido sometido a interrogatorios sin presencia de un abogado. Habría sido reiteradamente amenazado y golpeado en la cabeza, en la cara y en la frente, le habrían tirado del pelo y le habrían retorcido los testículos. Habría sido amenazado con diferentes métodos de tortura y en relación con sus familiares.

1441. **Mikel Zuluaga** habría sido violentamente detenido por la Policía Nacional el 1 de noviembre de 2000 en Bilbao y trasladado a la comisaría de Indautxu donde habría sido amenazado con los mismos métodos y por las mismas personas que le habrían torturado en su paso anterior por la comisaría. Se habría autolesionado y el médico forense habría acudido con unas pastillas para tranquilizarle, con una jeringuilla y una bolsa de plástico negra. Mikel Zuluaga se habría negado a que le inyectasen, entonces, el supuesto forense con seis policías le habrían agarrado con violencia y le habrían estrujado los testículos y otras partes del cuerpo mientras habría sido inyectado. Durante la declaración judicial tendría la cabeza hinchada y con moretones. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 2 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1442. **Nerea Garro** habría sido detenida por la Policía Nacional el 7 de noviembre de 2000 en Madrid. En las dependencias policiales habría sido objeto de humillaciones, insultos, tirones de pelo, golpes, sobretodo en la cabeza y en la cara con la mano abierta, y puñetazos en el estómago y las costillas. También habría sido amenazada con ser violada y torturada. La detenida habría permanecido en estado de incomunicación desde su detención hasta el 12 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1443. **Asier Urretabizkaia** habría sido detenido por la Policía Nacional el 7 de noviembre en Madrid. Durante los interrogatorios habría sido sometido a vejaciones y habría sido amenazado con ser torturado y matado. Habría recibido repetidamente golpes, puñetazos y codazos en el estómago, pecho, testículos, cabeza y cara. Habría tenido que permanecer durante un largo tiempo desnudo y con los brazos en cruz y una de las piernas levantadas. Le habrían hecho agacharse y colocarse de cuclillas y pasando los brazos por debajo de las piernas le habrían hecho caminar en esta postura entre amenazas y golpes, sobretodo en la cabeza y los testículos. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 12 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1444. **Víctor Goñi** habría sido detenido por la Policía Nacional el 7 de noviembre de 2000 en Madrid. En el momento de la detención habría sido insultado, humillado, amenazado con llevarle a un descampado y matarle y también, habría sido golpeado. En los interrogatorios, habría recibido repetidamente rodillazos, bofetadas, puñetazos en la espalda y costados, apretones en el cuello y tirones en el pelo. En algunas ocasiones le habrían hecho desnudarse completamente mientras le habrían seguido golpeando por todo el cuerpo. Habría tenido que poner los brazos en cruz y levantar una de las piernas teniendo que permanecer desnudo en esta postura hasta el límite de su resistencia. Habría sido forzado a ponerse de cuclillas, con las piernas abiertas, mientras habría sido golpeado con el empeine en los testículos, cabeza y espalda. Habría sido amenazado con una exhibición de armas. En alguna ocasión habrían apagado la luz de la habitación donde le estarían interrogando para que no supiera por donde sería golpeado. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 11 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1445. **Igor Martínez de Osaba** habría sido detenido por la Policía Nacional el 10 de noviembre de 2000 en Bilbao. En el momento de la detención, habría sido amenazado y golpeado. Durante su detención habría sido sometido a interrogatorios sin presencia de un abogado y habría recibido fuertes golpes en la cabeza, cara, pecho, estómago y testículos, patadas en los muslos y tirones de pelo, hasta dejarle tirado en el suelo. Habría sido amenazado con la aplicación de otros métodos de tortura. En uno de los interrogatorios, habría sido obligado a ponerse de rodillas y uno de los policías habría empezado a jugar a la ruleta rusa. En otro momento le habrían tumbado encima de una mesa mirando hacia el techo y con la mitad del cuerpo colgando en el aire, con las manos esposadas en la espalda, y le habrían golpeado en la cabeza, los testículos y el estómago. Habría perdido el conocimiento y al recuperarlo se habría encontrado esposado camino al hospital. El trayecto desde la comisaría a la Audiencia Nacional lo habría hecho en el suelo de un furgón policial, con la bota de un policía pisándole la cabeza. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 14 de noviembre de 2000, fecha en la que habrían comparecido ante un juez.

1446. **Iñigo Muerza Santos** habría sido detenido por la Policía Nacional el 10 de noviembre de 2000 en Bilbao. Habría sido sometido a interrogatorios sin presencia de un abogado en los cuales habría sido golpeado en la cabeza, cara y testículos. En la comisaría de Indautxu habría sido sometido a varios interrogatorios en los que habría sido amenazado con diferentes métodos de tortura. En Madrid habría sido sometido a tres tipos de interrogatorio diferentes. Uno con amenazas, otro con golpes por todo el cuerpo, con desnudos y humillaciones y el tercero con el agotamiento físico, haciéndole estar en diferentes posturas hasta la extenuación. La última noche habría sido golpeado en la cabeza y genitales y le habrían intentado asfixiar tapándole la boca y la nariz con las manos o metiéndole un pañuelo en la boca. El nombrado habría permanecido en estado de incomunicación desde su detención hasta el 14 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1447. **Asier Karrera** habría sido detenido por la Policía Nacional el 19 de noviembre de 2000 en Bilbao y trasladado a la comisaría de Indautxu. Durante el traslado habría sido golpeado en la cabeza, estómago y testículos. En la comisaría, cinco policías le habrían propinado en reiteradas oportunidades golpes en la cabeza y en la oreja, golpes con la cabeza contra el suelo y tirones de pelo. Le habrían obligado a escuchar los lloros y gritos de su novia que estaba supuestamente detenida en la habitación de al lado. Durante un interrogatorio habría sido amenazado con pegarle un tiro. En la comisaría de Madrid no le habrían permitido dormir durante tres días. Habría hecho el trayecto de la comisaría a la Audiencia Nacional en el suelo de un furgón policial mientras era amenazado de muerte por los policías. El nombrado habría permanecido detenido en estado de incomunicación durante cuatro días.

1448. **Roberto Eziolaza** habría sido detenido por la Policía Nacional el 19 de noviembre de 2000 en Gasteiz. En el momento de su detención su cabeza habría sido tapada con una bolsa y habría recibido golpes y amenazas. En los interrogatorios habría sido repetidamente bofeteado y golpeado en la cabeza y habría recibido patadas, puñetazos en el estómago y en los testículos, insultos, humillaciones y amenazas. Aunque sería asmático, le habrían colocado una bolsa de plástico por la cabeza asfixiándole en más de una ocasión. Habría hecho el traslado a Madrid con las manos esposadas a la espalda y sin poder dormir bajo continuos golpes y amenazas. En la comisaría madrileña habrían seguido los golpes, las humillaciones y vejaciones. Habría sido obligado a desnudarse en muchas ocasiones, a permanecer en posturas incómodas durante horas y amenazado con diferentes métodos de tortura así como a la ruleta rusa. El detenido habría permanecido en estado de incomunicación desde su detención hasta el 22 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1449. **Iñaki Beaumont** habría sido detenido por la Policía Nacional el 24 de noviembre de 2000 en Iruñea. En el momento de la detención y en la comisaría le habrían tirado al suelo y le habrían golpeado la cabeza contra éste y contra la pared. Habría sido sometido al método conocido como "la bolsa" unas 20 ó 30 veces y habría sido repetidamente amenazado de muerte. Habría sido golpeado en la cabeza y en la columna vertebral con un objeto metálico que le habría producido cuatro heridas en la espalda y habría sido asfixiado con este mismo objeto. Le habrían producido heridas en el oído izquierdo con una especie de destornillador. El detenido habría permanecido en estado de incomunicación hasta el 28 de noviembre de 2000, fecha en la que habría comparecido ante un juez.

1450. **Iratxe Sorzabal** habría sido detenida por la Guardia Civil el 30 de marzo de 2001 en Hernani. Desde el momento en que habría sido detenida, le habrían impedido la visión y la habrían llevado al cuartel de Intxaurrondo donde la habrían obligado a desnudarse y habría sido sujeta a tocamientos. Durante el traslado a Madrid, habría sido sometida al método conocido como "la bolsa", a electrodos en la espalda, a tocamientos, humillaciones y amenazas. En Madrid habría sido sometida a una paliza y habría sido repetidamente objeto de malos tratos. El segundo día le habrían trasladado al hospital donde habría permanecido durante una tarde y le habrían realizado diferentes pruebas, entre ellas una biopsia y radiografías del cuello. Desde su detención y hasta su paso ante un juez, el 4 de abril de 2001, habría permanecido en estado de incomunicación.

1451. Con fecha de 30 de septiembre de 2001, el Relator Especial notificó al Gobierno que había recibido información según la cual la policía habría hecho un uso excesivo de la fuerza durante la manifestación contra la globalización que tuvo lugar el 24 de junio de 2001 en Barcelona. La manifestación, a la cual se habrían adherido más de 350 colectivos, incluido partidos políticos, sindicatos y organizaciones no gubernamentales, se habría llevado acabo festiva y pacíficamente. Sin embargo un número reducido de protestantes habrían sido autores de actos violentos en la cola de la manifestación, causando daños materiales en propiedades privadas del Passeig de Gràcia, ante, de acuerdo con la información recibida, la pasividad de los cuerpos policiales. El Relator Especial ha sido informado de que grupos de policías vestidos de manera a ser confundidos con otros manifestantes habrían tomado parte a las protestas, provocando violencias, incluidos daños materiales y palizas a personas. De acuerdo con la información recibida, las cargas policiales contra los manifestantes habrían tenido lugar en la Plaça Catalunya al terminar la manifestación, cuando ya se habría finalizado la lectura de un manifiesto y cuando la mayor parte de los manifestantes se estaban dispersando. Personas ajenas a la manifestación y que se encontraban en aquel momento en el centro de la ciudad también habrían padecido el uso excesivo de la fuerza por parte de los policías. Estos habrían atacado principalmente a la gente con porras y balas de goma. La mayor parte de los detenidos habrían sido conducidos a la comisaría de la Verneda, en el distrito de Sant Martí, donde habrían tenido que permanecer de pie mirando a una pared y las manos esposadas durante largas horas. El Relator Especial también ha sido informado de que la policía habría irrumpido en el Centro de Atención Primaria (CAP) de Pere Camps para detener a algunos de los manifestantes heridos e impidiendo que éstos reciban la atención médica adecuada.

1452. En particular el Relator Especial ha transmitido información sobre los siguientes casos individuales.

1453. **José Luis Aceta Cuenca** y **Gloria Nicolás Álvarez** habrían recibido golpes de porra por parte de seis policías que les habrían rodeado. Más tarde, cuando estarían buscando ayuda médica, una furgoneta antidisturbios se habría puesto a su lado y les habría apuntado con un lanza bolas.

1454. **Mercè Alabarce Dorda** habría recibido un fuerte golpe de porra en el muslo, cuando estaba buscando a sus compañeros, a pocos metros de una furgoneta antidisturbios.

1455. **Amaya Aldaldur Balbás** habría recibido golpes de porra por parte de policías, en particular en los glúteos y en la axila, mientras que estaba bailando con otros manifestantes.

1456. **Xavier Artigues Esclusa** habría recibido un golpe de porra en la espalda por parte de un policía que le habría indicado por donde tenía que dirigirse. Inmediatamente después otros cinco policías lo habrían atacado, haciéndole caer de un golpe de porra al lado de la oreja izquierda. Estos policías también le habrían propinado ocho golpes de porra en la espalda, brazos y muslos. Seguidamente le habrían agarrado por el pelo y arrastrado unos metros, volviéndole a golpear con sus porras. Su compañera **Quynh-Nhu Nguyen** habría recibido golpes de porra en la espalda y en el muslo derecho.

1457. **Cecilia Barbeito Thonon** habría sido amenazada con un fusil de balas de goma a un metro y medio de distancia por un policía que le habría ordenado dispersarse y habría recibido un golpe de porra en la pierna izquierda por parte de otro policía. Más tarde, mientras intentaba retirarse del lugar de la manifestación, otro policía le habría dado golpes de porra en la pierna derecha, mientras otro la habría empujado, insultándola.

1458. **Joan Marc Batlle Vives** habría recibido un impacto de bala de goma en la zona lumbar de la columna vertebral cuando estaba intentando escapar de una carga policial contra los manifestantes.

1459. **Ricardo Berciano Ledesma** habría sido golpeado en la cara, omoplato, brazo y riñones por policías antidisturbios cuando, tras terminar la manifestación, estaría esperando a otros compañeros para ir a buscar el autocar de vuelta a Madrid, donde reside. Habría sido atendido en el Centro de Atención Primaria (CAP) Pere Camps, donde habría encontrado a otros manifestantes y donde un médico le habría comentado que la mayoría de los heridos habrían sido golpeados en la cabeza y parte superior del cuerpo.

1460. **César Bustillo** habría sido golpeado en la cara por tres policías vestidos de paisano. Debido a uno de los golpes, le habrían roto las gafas.

1461. **Sara de la Cal del Rincón** habría sido golpeada por un policía con una porra. Habría tenido varias lesiones en el hombro derecho y en la zona occipitoparietal.

1462. **Francisco Calderón Lorente** habría sido golpeado por un grupo de policías antidisturbios. Su amiga Jenny Llopis que le acompañaba, habría recibido un fuerte golpe en la cabeza por parte de los mismos policías. Mientras intentaban escapar del asalto, Jenny Llopis habría sido nuevamente golpeada en la espalda y piernas. Los golpes habrían causado mareos a Jenny Llopis.

1463. **Ágata Casas** habría sido golpeada en la cara por un policía antidisturbios y se habría caído al suelo. Cuando habría conseguido levantarse, otro antidisturbios la habría golpeado en el hombro con una porra. Más tarde, intentando escapar a otra carga policial, un tercer antidisturbios la habría golpeado en la cadera derecha.

1464. **Jordi Chas Gallardo** habría recibido una bala de goma disparada por un policía antidisturbios a una distancia aproximada de diez metros, cuando frente a una carga policial estaría retrocediendo pacíficamente junto a otros manifestantes.

1465. **Kevin Cotter** habría recibido golpes de porra y patadas por parte de la policía nacional y seguidamente habría sido amenazado con una porra por parte de una persona vestida de civil que acompañaba a la policía.

1466. **Xavier Domènech Ferreres** habría recibido un golpe de porra en la cabeza durante una de las cargas policiales.

1467. **Xavier Domènech Serra** habría recibido un golpe en la nuca y otro en la espalda y se habría caído en el suelo.

1468. **Marcelo Expósito Prieto** habría recibido golpes en la espalda y brazos por parte de la policía en una de sus cargas.

1469. **Luis César Gallego Rodríguez** habría sido tirado al suelo y golpeado por unos policías vestidos de paisano. Habría sido arrastrado a una furgoneta policial donde habría permanecido cerca de una hora en medio de amenazas. Habría sido esposado con unas bridas de plástico y trasladado a una comisaría. Allí habría sido desnudado y le habrían quitado sus pertenencias. Habría salido en libertad al día siguiente.

1470. **Andrés Gámez Martín** habría recibido golpes de porra, en particular en la cabeza, por parte de dos policías, y habría empezado a sangrar abundantemente.

1471. **Javier Gascué Rodríguez** y **Josefina Rams** habrían sido agredidos por la policía cuando el primero habría empezado a filmar con una cámara de video la acción de la policía. Un policía habría tirado a Josefina Rams al suelo, chafándole la cara contra el suelo y su nariz empezó a sangrar. El policía habría puesto su rodilla sobre la espalda de la manifestante, impidiéndola respirar. Habría sido maniatada con unas cuerdas. Posteriormente los dos habrían sido llevados, junto con la hija de Josefina Rams y novia de Javier Gascue, a la comisaría de la Verneda, en el distrito de Sant Martí, donde habrían estado mantenidos cuatro horas de pie, de cara a la pared con las manos atadas y donde habrían permanecido hasta la tarde del día siguiente. El 25 de junio, en la comisaría, un policía habría propinado un golpe en la cara y varios golpes de porra por todo el cuerpo a Javier Gascué.

1472. **María Gerbolés López** habría presenciado como una mujer de unos 40 ó 50 años era golpeada por la policía. Al darle la mano para ayudarla a levantarse, un policía le habría golpeado con la porra en el lado derecho de la cintura, causándole un hematoma. La habrían empujado al suelo e insultado antes de dejarla irse corriendo.

1473. **Lucas Giménez Achimon** habría sido rodeado por un grupo de policías vestidos de paisano entre los cuales algunos llevaban la cara tapada e iban armados con barras y palos. Habría sido golpeado y tirado al suelo, esposado y agarrado por el cuello fuertemente. Luego habría sido mantenido unos instantes en el suelo sin poder levantar la cabeza. Uno de los agentes de policía le habría golpeado con un casco en la cara, hiriéndole el labio. Más tarde habría sido llevado a la comisaría de la Verneda, donde le habrían obligado a permanecer con la cabeza mirando a la pared y sin poder moverla durante aproximadamente una hora. Más tarde le habrían hecho desnudarse y habría tenido que permanecer en ropa interior. Al pedir asistencia médica, habría sido amenazado con ser objeto de nuevas palizas.

1474. **Emilio Alejandro de Giorgio Castiglione** habría recibido un golpe de porra en el antebrazo izquierdo mientras corría tratando de evitar una de las cargas policiales.

1475. **Rafael Gómez Ortiz** habría sido agredido por un policía nacional con uniforme de antidisturbios. Habría recibido golpes de porra que le habrían causado una contusión en el brazo.

1476. **Oriol Guinart** habría sido golpeado por un hombre vestido de civil armado con una barra de bambú que le habría ordenado irse de allí.

1477. **Miguel Ángel Gutiérrez González** habría recibido un golpe de porra en la cara por parte de unos policías cuando, viendo como estaban pegando a tres chicas, se habría acercado para pedirles de parar. La herida causada por este golpe habría requerido cinco puntos de sutura.

1478. **Teodoro Hernández Martínez** habría sido golpeado por un agente antidisturbios mientras otros policías se habrían burlado de él. Más tarde, habría sido perseguido por otros antidisturbios que le habrían pegado en la espalda, en el brazo y en las nalgas.

1479. **Marta Labarta Marsal** y **Marc Muñoz Navarrete** habrían sido golpeados por tres agentes antidisturbios cuando, tras finalizar la manifestación, entraron en un bar.

1480. **Ricard Llatge Pamplona** habría recibido golpes de porra en la espalda, piernas y cara por parte de la policía cuando, como repuesta a una de las cargas policiales, no se habría retirado y habría alzado las manos pacíficamente, gritando "no violencia". Su compañera, **Verónica Plaza Espinosa**, intentando escapar de los golpes, se habría quedado atrapada en unos arbustos y habría sido aporreada en las piernas por unos policías. Verónica Plaza Espinosa habría sido atendida en el CAP de Pere Camps, donde se le habría entregado un informe médico que confirmaría las alegaciones.

1481. **María Mercè Loire Fernández** habría recibido golpes de porra por parte de un agente antidisturbios de la policía nacional, mientras estaría gritando "no violencia".

1482. **Javier Martínez Alfonso** habría sido repetidamente golpeado por un policía antidisturbios en la muñeca izquierda, cadera izquierda y muslo, causándole diversas contusiones. Un informe médico daría prueba de ellas.

1483. **Alex Martínez Balaguer** habría sido golpeado con un porra por un policía en la espalda que le habría causado una contusión. Un informe médico daría prueba de ello.

1484. **Rubén Masmano Bernal** habría sido golpeado por tres o cuatro policías antidisturbios. En particular habría recibido golpes de porra en la cabeza. Se habría caído al suelo y dos de los policías le habría golpeado de nuevo con porras causándole varias contusiones calificadas de graves, con dislocación de la muñeca y un dedo astillado. También habría recibido golpes en el brazo y pierna izquierda y un fuerte golpe en el hombro.

1485. **Mirko Marotta**, de nacionalidad italiana, habría sido agarrado por el cuello por un policía de paisano que le habría tirado al suelo y rociado la cara con un spray, impidiéndole ver y respirar con normalidad. Habría sido arrastrado a una furgoneta y durante el trayecto, le habrían dado una patada en el estómago y le habrían pisado la mano. Esposado, le habrían hecho sentarse en el suelo de la furgoneta, donde le habrían escupido en la cara. Posteriormente habría sido trasladado a la comisaría de la Verneda. Habría permanecido tres días en esta comisaría, donde habría tenido que permanecer largas horas de pie mirando a una pared y maniatado con unas esposas de plástico atadas detrás de la espalda que le habrían hecho cortes en las muñecas.

1486. **Núria Moliné Górriz** habría sido golpeada con porras por dos policías. Los golpes recibidos le habrían provocado contusiones en el lado izquierdo del cuello, la fractura del tabique nasal, una contusión periorbitaria, contusiones en los brazos, en las piernas y en los glúteos.

1487. **Jonatan Francisco Moriche Vázquez** habría sido objeto de un fuerte golpe de porra en la cabeza y la espalda por parte de un agente uniformado y por sugerencia de otro que tenía detrás. No habría recibido atención médica por parte de la policía, siendo asistido por otros manifestantes e impidiéndole la policía salir del cerco establecido para llegar a las ambulancias cercanas.

1488. **Pablo Navarro Espinar** habría recibido golpes por parte de la policía en el riñón izquierdo y en la mano derecha.

1489. **Jordi Nilson Vidal de Llobaterra** habría recibido un impacto de bala de goma en el pie izquierdo y, como consecuencia se habría caído al suelo. Estando en el suelo, unos policías le habrían pisado y golpeado con porras.

1490. **Tiago Nuno Pereira Dos Santos**, de nacionalidad portuguesa, habría sido inmovilizado en el suelo por cuatro hombres encapuchados que le habrían propinado golpes y patadas. Habría sido esposado y más tarde conducido a la comisaría de la Verneda, donde habría tenido que permanecer, junto a otros manifestantes detenidos, de pie contra una pared sin poder moverse. Algunos de los detenidos habrían permanecido en esta posición más de siete horas. La comida recibida durante la detención habría sido pobre.

1491. **José María Pardo Callejo** habría recibido por parte de la policía un golpe de porra en la boca que le habría causado una intensa hemorragia.

1492. **Lidia Paredes Llusà** habría sido golpeada por un hombre con una barra de madera de más de un metro de largo. Más tarde habría visto a este mismo hombre profiriéndole una paliza a otro manifestante con la ayuda de policías.

1493. **Iolanda Pérez Castillo** habría recibido un golpe de porra por parte de un policía antidisturbios en la zona del glúteo izquierdo superior.

1494. **Iolanda Pérez Forner** habría sido empujada a patadas por unos policías. Uno de ellos la habría sujetado muy fuerte por el brazo, dejándole hematomas.

1495. **Esther Pérez Sangenís** habría recibido dos golpes de porra en la pierna derecha por parte de un agente antidisturbios, cuando en respuesta a una carga de éstos, se habría quedado en el mismo sitio con las manos en alto.

1496. **Aixeus Prades Doria** habría sido golpeado con porras por antidisturbios. En particular, habría sido golpeado en la cabeza y se habría caído al suelo mareado y sin poderse mantener de pie durante las dos siguientes horas. Un policía habría impedido que se le diera atención médica en el lugar mismo de los hechos.

1497. **Alberto Ramírez Toledo** habría recibido múltiples golpes de porra en la espalda, cabeza y mano derecha por parte de policías antidisturbios, cuando en respuesta a una carga policial, habría permanecido en el mismo sitio con las manos en alto.

1498. **Charo Reyes Izquierdo** habría sido golpeada por la policía, con porras en las nalgas y las piernas, causándole varios hematomas. El incidente habría ocurrido una vez finalizada la manifestación y en una calle casi desierta donde solo se encontrarían ella, sus tres amigas y algunos viandantes de avanzada edad.

1499. **Omar de la Rosa Satorres** habría sido agredido por cinco policías antidisturbios al tratar de explicarles que quería ir a recuperar su bolsa perdida durante la manifestación. Habría recibido golpes de porra y habría sido acorralado en un banco donde habrían seguido pegándole.

1500. **Marc Roura Barroso** habría sido rodeado por policías y golpeado con porras. Habría sido tirado al suelo donde le habrían seguido pegando, preguntándole si le dolía. Los policías le habrían dicho de levantarse y entonces, en fila india, le habrían pegado uno a uno con sus porras, en particular en los riñones, hombros y espalda. Habría recibido cuatro puntos de sutura en la cabeza y le habrían escayolado el brazo.

1501. **Alejandro Rutguero** habría recibido un golpe de porra detrás de la rodilla. Más tarde, cuando habría intentado hacer fotos a lo que estaba sucediendo por su alrededor, un individuo le habría señalado y otro armado con un palo de madera se habría dirigido hacia él de manera intimidatoria.

1502. **Laia Salvador Fernández** habría sido golpeada con una porra por un policía. Una hora más tarde, un grupo de antidisturbios la habría empujado, dado patadas y nuevamente golpeado con porras.

1503. **Alejandra Sánchez Soto** habría sido golpeada por un policía en le brazo izquierdo y en el vientre. Otro policía le habría pegado en las nalgas y un tercero en la espalda, gritándole de correr.

1504. **Gemma Serra Vall-Llosera** habría recibido varios golpes de porra por parte de siete policías nacionales al salir de un bar dos horas después de finalizar la manifestación. Los policías habrían entrado en dicho bar, ubicado en la calle Consell de Cent, y habrían agredido a varios de los clientes.

1505. **Roger Solanes Brunet** habría sido golpeado con una porra al lado izquierdo de su cintura por parte de un policía. Empezó a correr y otro agente le habría pegado en el cogote, haciéndole caer en el suelo. Una vez en el suelo, otro policía empezó a propinarle más golpes.

1506. **Iñaki Tapia Aretxaga** habría recibido un puñetazo por parte de un policía que le habría sucesivamente agarrado fuertemente por el cuello. Habría sido arrastrado entre dos o tres policías que le habrían tirado al suelo y golpeado. Una vez inmovilizado en el suelo, habría recibido una patada en el costado derecho. Otro policía le habría estirado el pelo para ponerlo de pie y le habría golpeado la cara contra el furgón policial. Habría sido llevado a la comisaría de la Verneda, donde habría permanecido junto con otros manifestantes detenido, contra una pared y las manos atadas con cinta de embalar. Habría sido conducido a los juzgados al día siguiente y allí habría sido examinado por un médico.

1507. **Pablo Torres Rojas** habría sido tirado al suelo y habría recibido un golpe en la cabeza y dos en la tibia derecha.

1508. **Olga Valle Gascón** habría recibido un golpe de porra en el brazo por parte de un policía, cuando corriendo intentaba escapar de la carga policial. Al intentar acercarse a un pariente suyo que estaría siendo agredido por unos policías, un agente le habría propinado un golpe de porra en la pierna izquierda. Cuando le habría preguntado el porque de esta brutalidad, el policía le habría vuelto a pegar.

1509. **Diego Rodríguez Sánchez (Diego Alquerache)** habría sido golpeado con una porra en la pierna izquierda y por encima de las rodillas, causándole un gran hematoma, por un policía del cuerpo de antidisturbios. Diego Rodríguez Sánchez iría perfectamente identificado con un brazal de prensa claramente visible.

Seguimiento de comunicaciones transmitidas previamente

1510. Por carta de fecha 17 de agosto de 2001, el Gobierno respondió al caso de Antonio Augusto Fonseca enviado el 10 de octubre de 2000 (ver E/CN.4/2001/66, párr. 950), el Gobierno informó de que la causa que investiga la muerte de Antonio Augusto Fonseca se encuentra en fase de instrucción. Que de la misma surgen dos autopsias realizadas al fallecido, una establece que la causa fundamental de la muerte ha sido un edema pulmonar agudo, aunque manifiesta que tales conclusiones son provisionales puesto que se está a la espera de otro análisis que determinará si la muerte fue natural, accidental o suicida. Sin embargo, en la segunda autopsia se establece que el fallecimiento del nombrado corresponde a una muerte traumática secundaria al golpe recibido a nivel del núcleo carotideo del lado derecho del cuello.

Sri Lanka

1511. By letter dated 22 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1512. **Shanmugam Manogaran** was reportedly arrested by the army on 12 June 1996, detained at the camp of the Batticaloa unit of the military intelligence at Lake Road 1, then at the office of the Counter-Subversive Unit at Pioneer Road in Batticaloa town, and subsequently at Batticaloa jail. During detention and interrogation, he was reportedly hung upside down by his toes and beaten with plastic pipes, blunt weapons and sticks. His eardrums were injured, due to heavy blows, and one of his hands was reportedly broken when he allegedly tried to remove a bag filled with petrol and chili fumes that had been pulled over his head. The Supreme Court reportedly held that the State should pay him 30,000 rupees as compensation.

1513. **Michael Edward** was reportedly held at Bogambara Prison and to have previously been detained at Kalutara Prison. His health condition is said to be worsening, particularly his hearing, sight and use of his limbs, allegedly as a result of torture in custody in 1999. He was reportedly blindfolded and beaten, hit with a pole and a hammer, including on his head, had his teeth broken and genitals squeezed. His wife and eldest daughter have allegedly been victims of threats of a sexual nature. No investigation has reportedly taken place and no date been set for his court case.

1514. **Nadarajah Thiruchelvan**, a journalist based in Jaffna, was reportedly arrested on 2 January 2001 by the Terrorist Investigation Division in Colombo, held incommunicado, handcuffed to a chair and beaten with a pipe.

1515. **Vijitha Dissanayake** was reportedly arrested by Mathugamam police on 21 March 2001 and assaulted with a stick until it broke. His little finger was reportedly burnt with a cigarette butt and subsequently cut off. Upon his release, some hours later, he was reportedly taken to the Mathugama hospital and then to the teaching hospital, Nagoda, Kalutara, where he received medical attention for six days. No legal action was taken against the officers allegedly responsible.

1516. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 2000 regarding which no reply had been received.

1517. By letter dated 30 August 2001 sent jointly with the Special Representative of the Secretary-General on human rights defenders, the Special Rapporteur advised the Government that he had received information regarding **Krishnasamy Thivviyan**, on behalf of whom the Special Rapporteur had sent two urgent appeals (see below), who was reportedly arrested on 2 July 2001 and severely assaulted while in detention, resulting in bleeding from his nose and mouth. When visited by a university delegation at Kankesanthurai, he reportedly bore signs of severe beating. Krishnasamy Thivviyan is said to be a leading activist involved in protests over the killing of Krishanty Kumaraswamy, Kumar Ponnambalam and journalist Nimalarajan. His involvement in human rights activities was believed to be one of the reasons for his arrest.

1518. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information regarding **Uchita Thussara Kumaea** who was reportedly arrested by officers from Ja-ela police station on 24 March 2001 and sent to the remand prison of Negambo. His relatives reportedly learned about his death on 26 March 2001. The remand authorities allegedly informed Ja-ela police about the death and instructed them to inform the family, which was not done. The magistrate of the area reportedly ordered the body examined by a judicial medical officer of Ragama Hospital. The post-mortem report is said to state that death was due to internal injuries, suggesting that he had been tortured by police at Ja-ela police station.

1519. By letter dated 30 August 2001 sent jointly with the Special Rapporteurs on extrajudicial, summary or abitrary executions and on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1520. **Velauthapillai Rajani** was reportedly arrested on 30 September 1996 in Kondavil-Urumpirai Road by the Sri Lankan army, dragged into a house and raped. Her naked dead body was allegedly found later in the army compound.

1521. **Ida Hamilitta**, on behalf of whom the Special Rapporteur on violence against women had already intervened, was reportedly killed by army personnel on 13 July 1999 in her home in Pullimunai in Mannar district. Kesavan Rajah had reportedly been forced by army personnel to bring them to Ida Hamilitta's home. Once there, Kesavan Rajah was tied up and hit on the face and soldiers allegedly raped Ida Hamilitta, stabbed her in the abdomen, shot at her genitals and killed her. When on the following day Kesavan Rajah went to the Pallimunai police to lodge a complaint, the police reportedly refused to record his statement and threatened him.

1522. **Krishnapillai Thayayothy** was reportedly raped and killed by Home Guards operating with the government force, at Poomaraththadichenai, Muttur on 2 October 2000. She had reportedly been abducted along with six other farmers, all of whom are said to have been brutally murdered. Krishnapillai Thayayothy's body was allegedly mutilated.

1523. By letter dated 17 July 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1524. **Wijikala Nanthan**, a pregnant woman, and **Simvamani Sinnathamby Weeralon** were reportedly arrested by the Mannar Police Counter-Subversive Unit (CSU) under the Prevention and Terrorism Act accused of being members of the Liberation Tigers of Tamil Eelam and raped repeatedly by CSU and navy officers. They allegedly eventually confessed to links with LTTE and sentenced to 14 days in judicial custody by the Mannar district judge, during which they were allegedly raped again

1525. **A widowed mother of two** was reportedly stopped on 23 June 2001 by police at a checkpoint on the Borella Road, in Maradana. On 24 June, two policemen attached to this checkpoint reportedly came to her home and took her to the police station because she was a Tamil. They reportedly stopped at the bunker near the checkpoint and raped her.

1526. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1527. **Lakshmi Pillai** was reportedly raped by two army informants in August 1995 at her home in Trincomalee, in front of her two sons, in revenge for having spoken about her previous rape at Plaintain Point army camp in August 1993. The informants were reportedly arrested but later released on bail.

1528. **Sivasothy Krishnapillai** was reportedly raped by three Special Task Force (STF) personnel on 31 December 1996 in Mandoor, Batticaloa district. The inquest into the case was reportedly held at the Batticaloa district court on 30 November 1998.

1529. **A 17-year-old Tamil schoolgirl** was reportedly severely beaten and raped by two Sinhala soldiers at a secluded spot on 17 July 1997, when she was on her way to a school in Araly South. She was allegedly transferred to Jaffna teaching hospital with severe injuries.

1530. **Sri Balakumar Ajanthana**, a 17-year-old from Kandy Road, Ariyalai, in Jaffna town, was reportedly raped by a police constable on 15 April 1998, resulting in heavy bleeding from the vagina, and admitted to the Jaffna hospital at Kopay.

1531. **Rajeswary Krishnarajah** was reportedly gang-raped by soldiers on 29 September 1999 in her home at Vaalaithottam in Varani in Thenmaradchi Division, Jaffna Peninsula. Her brother and father were allegedly blindfolded. She was reportedly taken to a nearby coconut plantation, where she was raped by two soldiers. She managed to escape from a third soldier. On the following day, doctors at the Chavakachcheri hospital reportedly confirmed that she had been raped.

1532. **A 13-year-old girl** is said to have been gang-raped on 14 December 1999 in her home in Mawanella, east of Colombo, on the Kandy Road, by a group of five police officers of the Criminal Investigation Division (CID) and an army deserter. The group reportedly entered the house, threatened the parents at gunpoint, took the girl to the kitchen and raped her. Only the army deserter has allegedly been arrested in connection with the alleged assault.

Urgent appeals

1533. On 3 July 2001, the Special Rapporteur sent an urgent appeal on behalf of **Karupaiya Suntharerasa** and **Sivarasa Sasikumar** who had reportedly not been seen since 9 June 2001, when they were said to have been taken for questioning by members of the People's Liberation Organization of Tamil Eelam (PLOTE), a group which is said to be operating alongside the Sri Lankan army. Karupaiya Suntharerasa reportedly went to a PLOTE camp called "Malai Maligai" at Rambaikulam, seeking information about another person held at the camp who was said to have been released. He was said not to have been seen since. Sivarasa Sasikumar was reportedly approached by PLOTE members when waiting in line to be photographed for relocation documents at the Sithamberapuram Welfare Centre, a camp for internally displaced persons, where he was living with his parents. They were said to have ordered him, in front of several witnesses, to come with them to the local PLOTE camp.

1534. On 23 July 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Thivyan Krisnasamy**, the former Secretary-General of the Jaffna Undergradudates Union, who had reportedly been arrested on 2 July 2001 in Inuvil by members of the army and taken to the base complex at Kankesanthurai where he was charged under the Prevention of Terrorism Act and accused of illegal possession of arms and of being a member of LTTE. It was believed that his arrest was connected to the fact that on several occasions he had spoken out in defence of the human rights of Sri Lankan citizens of Tamil origin. It was alleged that he had been severely beaten in custody. As a result, around 16 July, a judge was said to have ordered his transfer to the Jaffna Teaching Hospital.

1535. On 2 August 2001, the Special Rapporteur sent another joint urgent appeal with the Special Representative on human rights defenders on behalf of **Thivyan Krisnasamy** (see previous paragraph). According to the new information transmitted to the Government, he is reportedly having difficulty moving his limbs as a result of the beatings he was allegedly subjected to. On 25 July, he was reportedly produced before the Jaffna magistrate and has been remanded until 14 August.

1536. On 18 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Subramaniam Thawarajingtam** who had reportedly been arrested by CID officers in Pettah, Colombo, on 23 September 2001. He was allegedly arrested in relation to a telephone call that had been made by one of his customers at his communication outlet in March 2001. He was reportedly detained without charge on the fourth floor of the CID building. His wife and mother were able to visit him on several occasions and reported that he had been beaten by the CID Superintendent and hit with an iron on the head, and had his eyes pricked with a nail in order to force him to sign a document. One of his employees, **Mohanatas Kamalathas,** was also detained at the CID building.

Follow-up to previously transmitted communications

1537. Concerning Kandasamy Siriram (see E/CN.4/2000/9, para. 963; E/CN.4/2001/66, para. 991) and Muthuthamby Vanitha (see E/CN.4/2000/9, para. 942; E/CN.4/2001/66, para. 973), the Government provided further information by letter dated 18 June 2001. The Government replied that it had initiated investigations regarding the allegations received, and wished to receive further information on the present whereabouts of the alleged victims of torture. Mr. Kandasamy Siriram had been arrested by Mirinaha police on 26 August 1999 and released after 21 days. The officials of the Criminal Investigations Department interviewed his father who is said to have stated that his son was serving a jail term in Hong Kong. Ms. Muthuthamby Vanitha had been arrested by Kotahena police on 28 November 1998. She is reported to have left for the United Kingdom on 11 November 1999. CID cannot pursue any further investigation without obtaining statements from the alleged victims.

Sudan

1538. By letter dated 30 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1539. **Mohamed Elzubeir Adam Abu Alama** was reportedly arrested with seven other students at the University of Karthoum in August 1998 and taken to the university mosque where he was beaten by security elements and members of the Islamic movement. He was allegedly taken to an unknown destination in Khartoum North, where he was subjected to further ill-treatment. He was reportedly rearrested on 26 November 1999 at the university, blindfolded and taken to a secret place, where he was reportedly beaten, kicked, given electric shocks and the barrel of a gun was introduced into his rectum; he was tied up with a rope and burned with hot rods and cigarettes. He was reportedly transferred to Khartoum Hospital and on 13 December 1999, he underwent rectal surgery. He was reportedly suspended from his course for two years. A case has reportedly been filed against the Chief of General Security and some of his officers with the Attorney of Crimes against the State.

1540. **Jamal Abdulsalaam** was reportedly arrested on 12 April 2000, following a talk organized by the Student Democratic Front at the University of the Sudan, and taken to an unknown place where he was beaten with hoses and sticks, hit with a gun butt and had his head shaved. He was allegedly released on 14 April 2000. Two other students, **Asharaf Abdeen** and **Mohamed Hadra**, were also reportedly arrested on 12 April and beaten with hoses.

1541. **Abdalla Kamel, Gassim Maisara, Abu Sofyan Ahmed, Abashar Ahmed Alkhalifa, Mohmed Ahmed Omer** and **Mudathir Hussian**, all students from Wadi El Nil University, were reportedly arrested by security forces in Atbara on 29 April 2000 and severely beaten with sticks and hoses. They were released the following day.

1542. **Ibrahim Ahmed Ibrahim**, a student at Amdurman Ahlia University, and **Abdel Rahman Abdalla** were reportedly arrested by members of the Holy Koran Society and the security service on 9 May 2000 and taken to the college guard's office, where they were allegedly kicked and beaten and forced to wear Islamic female head coverings. They were reportedly taken to a house near the building housing the local government of Karrari in Omdurman, where they were beaten with water hoses, kicked in the groin and lashed on the soles of their feet before being dumped into pits two metres deep. Blindfolded, with their arms and legs tied with ropes, they were taken on a pick-up truck to a house in the neighbourhood of Sayed Ali Mirghani Garden in Kharthoum, where they were reportedly flogged with an electric cable for one hour while being questioned again. On 10 May 2000, they were taken to the General Security building in Khartoum North, where they were reportedly beaten again. On 15 August 2000, Ibrahim Ahmed Ibrahim reportedly lodged a "criminal petition against the General Security Apparatus" with the District Attorney of Omdurman Central, and fled to Egypt on 10 October 2000.

1543. By letter dated 30 August 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1544. **Ghassan Ahmed Alamin**, a 17-year-old student, reportedly died in the National Camp in Jabal Awlia on 29 May 2000, as a result of injuries sustained from having been subjected to torture, in particular to beatings, which allegedly led to a respiratory and renal failure.

1545. **Hassan Omar Abul Reish** and his brother were reportedly arrested by security agents on 16 March 2001 from his home in block 29, Kosti, beaten in front of their family, and subsequently taken to the offices of the State Security in Kosti, where they were reportedly beaten again. Some hours later, Hassan Omar Abul Reish reportedly complained about severe abdominal pain and his condition deteriorated. Security officers reportedly attempted to return him home, but his relatives refused to receive him in such a state and he was taken to Kosti hospital the next day. A medical examination allegedly revealed internal bleeding. An emergency operation was reportedly carried out on 18 March 2001. He was reportedly transferred to Saihiroum hospital where he died on 12 June 2001.

Urgent appeals

1546. On 12 January 2001, the Special Rapporteur sent an urgent appeal on behalf of **Hashim Babiker**, a member of the Sudanese Communist Party, who had reportedly been arrested on 7 January 2001 in Khartoum. He had previously been arrested four times and tortured. His current whereabouts were unknown.

1547. By letter dated 15 March 2001, the Government responded that the allegations of detention and torture of Hashim Babiker were not true.

1548. On 1 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **19 detainees** held in Kober prison who were reportedly awaiting sentence of amputation of the right hand and left leg, to be carried out on 1 February 2001 under article 174 of the Criminal Act 1991. All possibilities of appeal or other remedies have been exhausted. On 25 and 27 January 2001, amputations pursuant to article 174 of the Criminal Act 1991 had reportedly also been carried out against the following five men from Darfour, western Sudan: **Ibrahim Gumai, Omer Salim, Salih Omer, Abakar Jalab** and **Dafa Alla Mowloudi** (see below).

1549. On 5 February 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the situation of human rights in the Sudan on behalf of **Ibrahim Gumai, Omer Salim, Salih Omer, Abakar Jalab** and **Dafa Alla Mowloudi**, who had reportedly been subjected to cross amputations (amputations of the right hand and left leg) on 25 and 27 January 2001 under article 174 of the Criminal Act 1991 and **19 men**, on behalf of whom the Special Rapporteur on torture had sent an urgent appeal on 1 February 2001 who, according to information recently received, were subjected to cross amputation the same day. All were said to be held in Kober prison in Karthoum. The first five aforementioned persons were reportedly being held in isolation from other detainees. All were believed not to be provided with adequate medical treatment and to be at risk of death or serious infection if they did not receive appropriate and prompt medical treatment

1550. On 13 March 2001, the Special Raporteur sent a joint urgent appeal with the Special Representative on human rights defenders and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Dr. Nageeb Nigim El Din**, a member of the Sudanese Victims Group (SVTG) and the International Rehabilitation Council for Torture Victims (IRCT), who had reportedly been arrested at the Amal Centre for Rehabilitation of

Victims of Physical and Mental Trauma in Khartoum North on 11 March 2001 by security forces who allegedly confiscated the Centre's computers and all the patient files. He was allegedly transferred to Kober prison. He was due to meet the Special Rapporteur on the situation on human rights in the Sudan on 13 March 2001. The security forces were believed to have accused him of having prepared a list of torture victims for the Special Rapporteur.

1551. By letter dated 12 April 2001, the Government responded that he had been arrested for investigation and subsequently released.

1552. On 17 April 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the situation of human rights in the Sudan and on freedom of opinion and expression on behalf of **Alfrad Taban**, the director of the daily *Khartoum Monitor* and a correspondent for the British Broadcasting Corporation (BBC) and Reuters, who had reportedly been arrested on 12 April 2001 while covering a press conference at the Episcopalian Cathedral in Khartoum held by Church leaders following the cancellation of an Easter ceremony on 11 April by the police. He was said to be detained incommunicado under the emergency law according to which a person may be detained up to 90 days without being charged. Furthermore, it was reported that several Christians were injured and arrested in clashes between security forces and worshippers who were reportedly protesting a Government order to move an Easter service to a suburb of Khartoum.

1553. On 21 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteurs on the freedom of opinion and expression and on the situation of human rights in the Sudan and the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of five members of the National Democratic Alliance (NDA), **Ali al-Sayyid, Mohammed Mahjoub, Joseph Ukello, Mohammed Wida Ala** and **Dr. Mohammed Suleiman**, who had reportedly been arrested at their homes in Khartoum before being taken to unknown local police stations. They had been arrested on 6 December 2000 following a meeting with a United States diplomat in Khartoum on the charge that NDA members were part of a conspiracy to incite a popular uprising, disrupt national security and support the rebel movement with logistical support from the United States. They were released on bail in late April 2001 following an appeal by their lawyers. However, the Government was said to have appealed against this decision to the Supreme Court which ordered their arrest on 10 May.

1554. By letter dated 6 June 2001, the Government replied that they were facing charges under the Criminal Act of 1991. They were represented by defence counsel who were following up the case. The case is still pending before the court with all procedural and substantive guarantees of free and fair trial.

1555. On 21 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on the situation of human rights in the Sudan and the Special Representative on human rights defenders on behalf of **Faisal el Bagir Mohamed**, a journalist and member of SVTG. On 13 June 2001, he had reportedly been arrested at his home in Khartoum. No reason for his arrest was reportedly given. He was taken away to be interrogated and was released later the same evening, but was told to report to security headquarters the following day. When he did so, he was reportedly rearrested. He has since allegedly been held in incommunicado detention.

It was reported that shortly before his detention, Faisal el Bagir Mohamed had met with the Ministry of Justice twice to seek permission for SVTG and the Amal Centre to celebrate the International Day in Support of Victims of Torture on 26 June.

1556. By letter dated 15 July 2001, the Government responded that he had been summoned in connection with investigations into illegal political activities and was released immediately after completion of the investigation on 26 June 2001. He was not subjected to any sort of ill-treatment. In a telephone conversation with the Rapporteur of the Advisory Council for Human Rights, Faisal el Bagir Mohamed assured him of his psychological and physical integrity.

1557. On 7 November 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteurs on the independence of judges and lawyers and on the situation of human rights in the Sudan on behalf of **Adil Mahmoud** and **Mohammed al Hassan**, both lawyers and members of the National Alliance for the Restoration of Democracy (NARD) an association of lawyers who are believed to oppose the Government peacefully, who had reportedly been detained by security forces and were said to be held in an office of the security forces near Farouk cemetery in North Khartoum. It was reported that Adil Mahmoud was arrested without charge at his office in Khartoum on 30 October 2001, and Mohammed al-Hassan on 31 October. Other lawyers were also arrested at the same time, then released without charge and asked to report to the security forces on 3 November. They were all said to be members of NARD. Their arrests seemed to be linked to the election of a new Chair of the Sudanese Bar Association which is due to take place in December.

1558. By letter dated 22 November 2001, the Government responded that Adil Mohamed, Mohamed Al Hassain Ibrahim and others had been detained in accordance with the Sudanese Security Forces Act for the purpose of interrogation and subsequently released, except for two of them. None had been subjected to any sort of ill-treatment.

Follow-up to previously transmitted communications

1559. Concerning Khamis Adlan (E/CN.4/2001/66, para. 1012), the Government responded by letter dated 18 December 2000 that there was no Military Intelligence Unit in Singa town, and that the police and internal security branches in Singa confirmed that his name did not exist in their records.

Syrian Arab Republic

Urgent appeals

1560. On 28 March 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Nizar Nayyouf**, a journalist with the monthly *Sawt ek Demokratia* and a member of the Committee for the Defence of Democratic Freedom in Syria, who had reportedly been arrested in January 1992 and sentenced to 10 years at forced labour for being a member of an unauthorized organization and disseminating false information, and on behalf of whom the Special Rapporteurs had already intervened on 26 April 1999 and 26 May 2000. He was now said to be held in Seydanya prison in Damascus where he had reportedly lost a significant amount of weight and had been diagnosed with a malignant tumour of the glands for which he did not receive any medical treatment.

1561. On 1 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **Hussein Daoud** who was said to have been forcibly returned from Germany to Syria on 10 December 2000. Upon arrival at Damascus airport, he was reportedly arrested by the State Security Force (Amn al-dawla) and subsequently transferred to State Security Centre No. 285, where he was allegedly questioned about his and others' supposed activities in relation to the Kurdish movement in Germany. It is reported that he has since been held incommunicado at various detention centres in Damascus and al-Qamishli in northern Syria, where he was believed to have been interrogated and tortured continuously.

1562. By letter dated 2 July 2001, the Government responded that Hussein Daoud had been arrested on 11 December 2000 on the grounds of his membership in a political organization hostile to Syria and his incitement of violence. He had been brought before the competent court for completion of the requisite legal procedures and was remanded in custody by order of the court. The Government indicated that the allegation of torture was totally unfounded.

1563. On 22 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **Hilal Abdel Razaq Ali**, a British citizen and native of Iraq, who had reportedly been arrested in the northern city of Hama on 25 July 2000. Some of his relatives were reportedly also detained. It is believed that all have been arrested in order to force one of their relatives, who is allegedly wanted for having committed a "breach of national security", to give himself up. Hilal Abdel-Razaq Ali is said to have been beaten twice daily from his arrest until October 2000, when he was allegedly transferred to the Far'Falastin (Palestine Branch) military intelligence detention centre in Damascus. Although the United Kingdom Embassy in Syria and the Foreign Office have reportedly made a number of inquiries, the Syrian authorities have allegedly denied they are holding him. It was reported that he suffered from high blood pressure and asthma.

1564. On 6 August 2001, the Special Rapporteur sent an urgent appeal on behalf of **Sulayman Hissu** who was reportedly being held in incommunicado detention in the city of Qamishli in northern Syria, after having been arrested by Syrian security forces on his arrival at Damascus airport on a Syrian airlines flight from Germany on 31 July 2001. He is a German citizen and has been living in exile in Germany since 1977. He returned to Syria voluntarily, apparently for the first time since he went into exile. It was believed that although he has apparently not been politically active on Syrian issues in recent years, his detention may be related to his past activities as an opponent of the Syrian Government.

1565. By letter dated 14 September 2001, the Government stated that Sulayman Hissu had been released on 6 August 2001.

1566. On 13 August 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders and the Special Rapporteur on freedom of opinion and expression on behalf of **Mamun al-Humsi**, a member of Parliament and human rights defender, who had reportedly been arrested on 9 August 2000. He had reportedly begun a hunger strike at his office some 48 hours before he was arrested, in protest against the continued application of the emergency laws since 1963. In June 2001, he had called for a parliamentary human rights committee to be set up and was also active within the newly emerging human rights and civil society movement in Syria. On 9 August 2001, dozens of armed police officers stormed his office in the National Assembly building in Damascus. The authorities were reported to have lifted his parliamentary immunity to issue an arrest warrant. Mamun al-Humsi has allegedly been charged with offences including "insulting the Constitution, opposing the Government and involvement in intelligence with foreign quarters". These offences, which are tried by the Supreme State Security Court, carry sentences of up to 15 years' imprisonment. Mamun-al-Humsi was believed to be held incommunicado at the Adra prison. It was reported that under the state of emergency, political opponents can be detained indefinitely.

1567. On 14 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders and the Special Rapporteur on freedom of opinion and expression on behalf of the following nine political opposition activists who were said to have been arrested: **Riad Turk**, First Secretary of the Communist Party Politburo (arrested on 1 September); **Riad Seif**, a parliamentarian from Damascus (arrested on 6 September); **Kamal Labouani**, a member of the Committee for the Defence of Human Rights (CDF) administrative council and the editorial committee of the publication *AMARJI* (arrested during the night of 8-9 September); **Aref Dalila**, a founding member of the "Commissions de la renaissance de la société civile" (CRSC) movement (arrested on 9 September); **Habib Saleh**, a CRSC activist (arrested on 9 September); **Hassan Sa'Doun**, a debate forum activist (arrested on 9 September); **Walid Al-Bouni**, an organizer of the "National Dialogue" forum (arrested on 9 September); **Habib Issa**, a spokesperson for the "Jamal Attassi" forum (arrested during the night of 11-12 September); **Fawaz Tello**, a member of the "National Dialogue" forum (arrested during the night of 11-12 September). Riad Turk was arrested at a doctor's office where he was receiving treatment for heart problems. They are all believed to be held incommunicado.

1568. On 1 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Wajih Ghanim**, a prisoner at Sednaya prison, on the outskirts of Damascus, who recently lost his ability to walk and is bedridden, as a result of complications arising from alleged torture in the early 1990s in an attempt to extract information about the Party for Communist Action (PCA). In Tadmur and Sednaya prisons he had allegedly been subjected to electric shocks and a torture method known as the "German chair", which consists of placing a person on a metal chair with moving parts which stretches the spine and causes severe pressure on the neck and limbs. As a result, he is said to be suffering from degeneration of the vertebrae, chronic headaches, hypertension, a urinary tract infection and stomach problems. His psychological condition has been steadily deteriorating since November 2000, when all but nine of his fellow prisoners from PCA were released following a presidential amnesty.

Tajikistan

Urgent appeals

1569. On 18 July 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Dovud** and **Sherali Nazriev**, who had reportedly been sentenced to death on 11 May 2001 by the military board of the Supreme Court for attempting to murder the mayor of Dushmabe in a bomb attack on 16 February 2000. On 14 May, the two brothers were said to have applied to the President for clemency. It was believed that they had been charged with the attempted murder in retaliation for their involvement with pro-Government forces during the Tajik civil war of 1992-1997. Dovud Nazriev's wife reported that both bore evident signs of torture.

Thailand

Urgent appeals

1570. On 18 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **Sok Yoeum**, a prominent member of the Cambodian opposition Sam Rainsy Party, who was detained in a Bangkok prison. He had allegedly been arrested on 24 December 1999 and initially sentenced to six months' imprisonment for entering the country illegally. The sentence was believed to have expired on 26 June 2000. Since then, he has been detained pending the outcome of a request for his extradition to Cambodia despite the fact that he has been recognized as a refugee by the Office of the United Nations High Commissioner for Refugees in Thailand and has reportedly been offered resettlement in a third country. The above-named person is said to be accused by the Cambodian authorities of being responsible for a 1998 rocket attack which Prime Minister Hun Sen claimed was against him. It was believed that if returned to Cambodia, he would face criminal charges arising from these allegations, which were said to be unfounded, and would be at risk of being imprisoned for years, allegedly after an unfair trial. Furthermore, his health has allegedly deteriorated in recent weeks. Although he has allegedly been fainting, vomiting and suffering from dizzy spells, he is reportedly being denied any medical attention.

1571. By letter dated 28 September 2001, the Government confirmed that he had been arrested on 24 December 1999 as an illegal immigrant and had served a six-month prison sentence for violation of the Immigration Act 1979. He completed his sentence on 25 June 2000. In March 2000, the Government received an extradition request from the Government of Cambodia and he was detained in the Special Bangkok Prison until the Thai court rendered the final judgement on the extradition request. Concerning his health, the Government stated that he had been admitted to the Special Bangkok Prison Hospital on 30 March 2001 and given further medical check-ups. He was diagnosed with tuberculosis and was suffering from an irregular heartbeat.

Follow-up to previously transmitted communications

1572. By letter dated 21 December 2000, the Government responded to a number of cases transmitted by the Special Rapporteur on 5 October 2000 (see E/CN.4/2001/66).

1573. Concerning the conditions in prisons in Thailand (ibid., para. 1035), the Government recognized that overcrowding leads to the spread of infectious diseases such as skin diseases, tuberculosis and HIV/AIDS, but noted that measures put in place by the Department of Corrections to expand prisoners' quarters and provide better medical treatment were impeded by an increase in the prison population and a lack of financial resources. Sanitary conditions in some prisons and correctional institutions were poor. The Government recognized that mixing all types of prisoners worsens the rehabilitation process. The separation of drug offenders from other prisoners is thus amongst the priorities of the authorities. Vocational training should also be made available to prisoners. The Department of Corrections had allocated a budget for the construction in 2001-2003 of a new hospital. It is hoped that this will increase the quality of medical treatment for prisoners. The Government agreed to visits by international or national agencies to prisons and hopes that these visits will help the international community to gain a better understanding and appreciation of the situation and the financial and human resource constraints faced by the Department of Corrections which will continue to implement measures, within existing limited resources, with a view to increasing the standard of living and conditions of detention of prisoners around the country.

1574. Concerning Chamlong Khamsunthorn (ibid., para. 1036), the Government responded that the accusation regarding his death was factually unfounded. The death was not intentional but occurred accidentally: while he was on the way to the police station, he provoked an armed fight with the police officers. His death was being investigated by the authorities concerned.

Trinidad and Tobago

1575. By letter dated 3 October 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1576. **Michael McKenna,** reportedly held in the infirmary of the Golden Grove Prison, in Arouca, awaiting trial, had a tracheotomy last year and is said to breathe through a tube inserted in his neck. On 15 August 2001, without any apparent reason, he was reportedly removed from the infirmary by a guard and taken to a cell with inadequate ventilation resulting in breathing difficulties and headaches. The Chief Officer reportedly ordered his return to the infirmary. The guard who had removed him from the infirmary was reportedly not sanctioned.

1577. **Narine Sooklad**, a prisoner on death row at the State Prison in Port-of-Spain, was reportedly injured in an accident before his detention in 1992. He is now allegedly unable to walk without a cane and experiences severe pain in his legs, but reportedly does not receive any medical treatment despite repeated requests.

1578. **Anton Cooper** was reportedly found naked and dead in his cell at the Golden Grove Prison, in Arouca, on 25 June 2001, less than 24 hours after his arrival. Several prisoners reported that they heard sounds of beating and screams coming from his cell during the night, including calls for a doctor. The prison guards reportedly hit him with batons, punched and kicked him, returned a second time to his cell to assault him again, and then placed him in a new cell after making him have a cold shower. His body reportedly bore signs of lacerations to his head and under his eye, and bruises to his face and body. The autopsy report indicated that he died as a result of "asphyxia associated with multiple blunt traumatic injuries".

Tunisia

1579. Par une lettre datée du 31 août 2001, le Rapporteur spécial a informé le Gouvernement qu'il avait reçu des renseignements sur les cas individuels suivants, auxquels le Gouvernement a répondu par une lettre datée du 14 novembre 2001.

1580. **Ridha Ben Mhamaed J'Day** serait décédé au poste de police de Menzel Bourguiba (Bizerte) le 17 septembre 2000. Il aurait été roué de coups par quatre policiers alors qu'il était interpellé en état d'ébriété. Sa mère aurait informé un juge d'instruction qu'elle avait constaté des traces de violence sur la dépouille de son fils, en particulier des fractures au niveau des poignets, des hématomes à l'oeil gauche, sur les côtes et à l'arrière du crâne. Il aurait aussi perdu des dents.

1581. Le Gouvernement a indiqué que Ridha J'Day avait été appréhendé par des agents de l'ordre pour ébriété et troubles de l'ordre public. Après une tentative de suicide lors de sa garde à vue, il était décédé lors de son transfert à l'hôpital. Une instruction judiciaire avait été ouverte par le Procureur de la République près le Tribunal de première instance de Bizerte L'autopsie avait révélé des traces de violence, mais avait conclu que le décès avait été causé par suffocation suite à une pendaison. À la clôture de l'instruction, le juge a déféré deux agents pour violences et voies de fait. Le Tribunal de première instance de Bizerte a condamné ces agents à deux ans d'emprisonnement chacun et ce jugement a été confirmé par la cour d'appel.

1582. **Mohamed Ali Mansouri** aurait perdu l'usage d'un oeil suite aux violences auxquelles il aurait été soumis par des agents de la brigade de secours de Bouchoucha (Le Bardo) le 22 juillet 2001.

1583. Le Gouvernement a indiqué que refusant d'accepter la nourriture délivrée par les services pénitentiaires, il avait fait l'objet d'actes de violence commis par des gardiens de la prison. Il avait, suite à la dégradation de son état de santé, subi une intervention chirurgicale qui avait entraîné l'amputation de ses jambes. Suite à l'ouverture d'une information judiciaire par le Procureur de la République près le Tribunal de première instance de Tunis, quatre gardiens de la prison civile de Tunis avaient été déférés devant la Chambre d'accusation du Tribunal pour abus d'autorité et violence perpétrée par un fonctionnaire public ayant entraîné l'amputation d'un membre, et complicité. Ladite Chambre a condamné les auteurs de ces actes à quatre ans d'emprisonnement chacun et a ordonné au chef du contentieux de l'État attaqué en tant que représentant des services publics relevant de l'État, à verser à la victime une indemnisation d'un montant de 300 000 dinars. Un appel a été interjeté et l'affaire suit son cours. Le Gouvernement a précisé que le juge des référés avait toutefois décidé l'octroi d'une provision de 30 000 dinars à titre d'indemnisation provisoire pour permettre à la victime de faire face à ses besoins.

1584. **El Aïd Ben Salah**, un détenu de la prison de Gafsa, aurait été frappé par ses codétenus dans sa cellule n° 5 dans la nuit du 10 mai 2000. Il aurait crié pendant plus de quatre heures sans que les gardiens n'interviennent. Il serait décédé des suites de ses blessures.

1585. Le Gouvernement a confirmé qu'il avait fait l'objet d'une agression par ses codétenus. Suite à son décès après son transfert dans une autre cellule dans la nuit du 10 mai, une instruction judiciaire ouverte par le parquet du Tribunal de première instance de Gafsa avait conclu qu'il était décédé des suites des actes de violence infligés par ses codétenus. Le 20 juin 2000, cinq prisonniers avaient été déférés devant la Chambre d'accusation de la cour d'appel de Gafsa pour homicide volontaire, complicité et voies de fait caractérisées. Le 13 décembre 2000, le Tribunal a condamné les inculpés à diverses peines de prison allant de 20 ans de prison pour voies de fait caractérisées ayant entraîné la mort à six ans de prison pour complicité.

Le Ministère public a interjeté un appel contre ce jugement et la Chambre criminelle de la cour d'appel de Gafsa a rendu un arrêt en date du 5 février 2001 relevant certaines peines.L'avocat général près la cour d'appel s'est pourvu en cassation. Le 11 juillet 2001, la cour de cassation a rejeté le pourvoi quant au fond.

1586. **Chaker El Azouzi** aurait été interpellé alors qu'il roulait sans casque dans la cité populaire de Oued El Far (Hammamet). Il aurait pris la fuite devant les policiers qui, lorsqu'ils l'auraient rattrapé, l'aurait frappé à la tête, en particulier avec son casque. Il serait décédé peu après des suites de ses blessures. Un agent de police aurait été arrêté et une instruction judiciaire aurait été ordonnée.

1587. Le Gouvernement a indiqué que Chaket Azouzi avait fait une chute lors de sa fuite devant un agent de sûreté publique. Transféré d'urgence à l'hôpital régional de Nabeul, il était décédé le jour même. Une information judiciaire avait été ouverte par le parquet près le Tribunal de première instance de Grombalia. Le juge d'instruction avait ordonné une autopsie et délivré un mandat de dépôt à l'encontre de l'agent de sûreté publique. Le 19 août 2000, il avait déféré l'accusé devant la Chambre d'accusation de la cour d'appel de Nabeul pour "violence ayant entraîné la mort sans intention de la donner", en application de l'article 208 du Code pénal. Le 4 avril 2001, le Tribunal a condamné le prévenu à 10 ans de prison et l'a condamné solidairement avec le chef du contentieux de l'État représentant le Ministère de l'intérieur à 11 648 dinars à titre de dommages matériels et 5 000 dinars à titre de dommage moral, au profit de la famille de Chaker Azouzi. Les parties ayant interjeté un appel, l'affaire suit son cours.

1588. **Ahmed Amari**, un ancien syndicaliste membre du Bureau exécutif chargé de la formation syndicale de l'Union générale tunisienne des travailleurs (UGTT) et membre du mouvement En-Nahdah, un mouvement politique non reconnu, serait détenu dans une cellule d'isolement à la prison civile du 9 avril à Tunis depuis le 10 octobre 1997. Il serait détenu dans une cellule de six mètres carrés dans laquelle se trouverait des toilettes à la turque. Il n'aurait le droit de quitter sa cellule qu'une demi-heure par jour. En outre, il souffrirait de vertiges et de douleurs au ventre suite aux tortures qu'il aurait subies en détention. Il souffrirait également d'une côte cassée. Il ne recevrait toutefois pas de soins médicaux.

1589. Le Gouvernement a fourni de nombreux détails quant aux diverses condamnations dont a fait l'objet Ahmed Amari et a indiqué qu'il était actuellement traité conformément à la législation tunisienne relative aux droits des détenus.

Appels urgents

1590. Le 20 juillet 2001, le Rapporteur spécial a envoyé un appel urgent en faveur de **Hédi Bejaoui** qui aurait reçu une balle dans le genou tirée par un policier lors de son arrestation sur son lieu de travail le 23 avril 1991 pour appartenance à un groupe islamique non autorisé, Ennahda. Il aurait été détenu jusqu'en septembre 1999, date à laquelle il aurait été relâché avec la balle encore logée dans son genou. Il aurait été ensuite placé pour deux ans sous contrôle administratif, ce qui impliquerait qu'il doive se présenter chaque jour au poste de police de son village, Sidi Thabet, près de Tunis. Depuis lors, et malgré ses demandes répétées aux diverses autorités concernées, il n'aurait pas reçu de carte de soin médical ou de carte d'handicapé qui lui permettrait d'avoir accès gratuitement aux soins médicaux. Il souffrirait de douleurs aiguës et constantes dans le genou et ne pourrait se déplacer qu'à l'aide de béquilles. Depuis le 8 mai 2001, il aurait entamé une grève de la faim afin d'obtenir cette carte de soin médical. Le 19 juin dernier, après avoir perdu plus de 25 kg, il aurait perdu connaissance et aurait été conduit à l'hôpital de Tunis où il aurait reçu des soins médicaux qu'il aurait dû par la suite payer. Il aurait à nouveau dû être hospitalisé entre le 26 et le 29 juin.

1591. Le 23 juillet 2001, le Rapporteur spécial a envoyé un appel urgent conjointement avec le Président-Rapporteur du Groupe de travail sur la détention arbitraire en faveur de **Maître Samir Dilou**, avocat et membre du conseil d'administration de l'Union générale tunisienne des étudiants. Me Dilou aurait été arrêté une première fois en 1991 et emprisonné pendant 10 ans en raison de ses activités syndicales à la prison de Borj-El-Amri, dans l'extrême nord-est du pays. Il aurait quitté cette prison le 18 juillet dernier après avoir purgé la totalité de sa peine. Cependant, le 19 juillet, des policiers du poste de Rafraf se seraient présentés au domicile de ses parents à Rafraf et lui auraient demandé de se rendre à la Direction régionale de la police à Bizerte, où il se serait présenté le 21 juillet. Il aurait été immédiatement arrêté pour être transféré à Sousse le lendemain, en dépit de son mauvais état de santé.

Turkey

1592. By letter dated 28 August 2001, the Special Rapporteur advised the Government that he had received information according to which the building of new wings to existing prisons, as well as of 11 so-called F-type prisons based on a small group or individual cell-type system, may increase the risk of torture or ill-treatment in prisons and may in itself amount to cruel, inhuman or degrading treatment or punishment. It is reported that article 16 of the Anti-Terror Law lays down a regime of intense isolation, in which convicted prisoners are believed not to be permitted contact or communication with other convicted prisoners. This generalized system of small group isolation is said to be currently operated in the five F-type prisons now in service. It is reported that the Minister of the Interior has recently indicated that the building of new F-type prisons will continue. The Special Rapporteur notes that article 16 of the 1991 Anti-Terror Law was amended in May 2001 with a view to guaranteeing that prisoners spend a reasonable part of the day outside their cells engaged in education, sports, vocational training and other social and cultural activities as well as have regular access to their lawyers and families. In particular, it was said that the amendment would lift the prohibition of open visits for prisoners held under the Anti-Terror Law. According to the information received, the amended article 16 is nevertheless not being implemented. At the time of the drafting of this amendment, fears had reportedly been expressed regarding the inclusion in the law of a number of factors to be taken into account in the planning and delivery of the activity programmes, such as the nature of the offence committed, the prisoner's conduct and areas of interest and capabilities. Concerns as to how and to whom the activity programmes were to be offered in practice had been raised. In particular, it was reported that amended article 16 did not impose an obligation to create facilities for such activities or to provide interim measures where they were lacking. Furthermore, the amended article 16 reportedly does not provide for objective criteria for establishing whether the security conditions are sufficient for the establishment of such activities and the decision is therefore left to the discretion of the institutions' administrators. Though allowing for the possibility of

communal activities, amended article 16 reportedly provides that activities may be "discontinued or revised in the event it has been observed that their effects on convicts were inconsistent with the objectives thereof". In that respect, the Special Rapporteur notes the concerns of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), expressed in a press release dated 24 April 2001, that "moves towards smaller living units for prisoners must be accompanied by measures to ensure that prisoners spend a reasonable part of the day engaged in a programme of communal activities outside their living units".

1593. It was reported that lawyers' access to the F-type prisons was very restricted. Lawyers were said to have complained about endless procedures and searches which had the effect that they could only meet a small number of clients a day. They reportedly could not meet defendants in the same trial together, which has negative effects on the right to prepare a defence.

1594. This reform of the penitentiary system reportedly caused major protests in various prisons, in particular hunger strikes and a death fast, followed by the intervention of law enforcement officials who are believed to have used excessive force. According to the information received, from October 2000, more than 1,000 prisoners, allegedly detained for political reasons, participated in a hunger strike in protest against the reform of the prison system, i.e. against their transfer from large dormitories to F-type prisons. On 19 December 2000, at around 4.30 a.m., security forces reportedly conducted an operation called "return to life" in about 20 prisons in order to end the hunger strike/death fast, during which 32 prisoners and 3 soldiers died and a large number of prisoners sustained serious injuries through excessive use of force by law enforcement officials. The following prisons are believed to have been among those where the security forces intervened with excessive use of force: Bayrampasa, Umraniye, Ulucanlar, Bursa, Aydin, Buca, Usak, Canakkale, Kirsehir, Kahramanmaras, Nigde and Cankiri.

1595. The authorities reportedly claimed that some of the prisoners set themselves on fire, but did not explain how other prisoners died. The Special Rapporteur notes that CPT indicated in a press release issued on 16 March 2001 that "... information gathered during the [December 2000 and January 2001] visit suggests that the methods employed by the security forces were not in all cases proportional to the difficulties faced". In particular, CPT raised doubts regarding the manner in which the intervention took place vis-à-vis the female dormitory C1 at Istanbul prison and detention centre (Bayrampasa). Six of the 27 women in that dormitory died and many of the others suffered burns and/or other injuries. According to the accounts received by the CPT delegation, the occupants of dormitory C1 did not offer violent resistance, but merely shut themselves in their dormitory. It is alleged that the women were nevertheless bombarded with gas grenades and other devices for several hours and shot at from time to time and that, at around 12.00 a.m., the top floor of the dormitory was set on fire as a result of the action being taken by the security forces. It is also alleged that the security forces were immediately told that prisoners were being burned on the top floor but failed to take prompt action to put out the fire, despite having the means (water hoses) to do so. It is also alleged that chemical weapons were used in Bayrampasa prison. Security forces were reportedly transported by helicopter directly inside the prison, where they allegedly made holes in the ceiling through which they threw gas bombs at the inmates and fired at them with bombs and bullets. According to a forensic report published on 30 June 2001 by official Turkish forensic experts responsible for the investigation into the killings at the C1 women's dormitory at Bayrampasa, traces of inflammable solvent were said to have been found on the skin and clothes of the female inmates who died. The same report is believed to state that six female inmates died from poisoning due to organic solvents such as xylene and methanol, while one inmate died from carbon dioxide poisoning.

1596. Despite the fact that the Minister of Justice had reportedly previously promised that no one would be transferred to F-type prisons before article 16 was amended, regulations for the F-type prisons issued and a social consensus reached on their management, hundreds of prisoners were allegedly transferred to the newly opened F-type prisons in Edirne, Kandra (Kocaeli) and Sincan (Ankara) after the clashes, where a de facto regime of isolation was said to be in operation. The Special Rapporteur has received information according to which prisoners were beaten before, during and after their transfer to F-type prisons. In that respect, the Special Rapporteur notes that CPT mentions "[n]umerous and consistent allegations ... that prisoners had been beaten by members of the gendarmerie after their removal from the dormitories in the prisons where interventions took place. Some allegations were also received that prison staff had on occasion participated in the beatings, for example at Bursa special-type prison. Numerous and consistent allegations were also heard [by the CPT delegation] about beatings and intrusive or humiliating search techniques on admission to the F-type prisons, again primarily by members of the gendarmerie but also on occasion by prison staff". According to the information received, prisoners in certain F-type prisons had their hair, moustaches and beards forcibly shaved off on admission and were forced to eat their own hair. It is also alleged that prisoners were subsequently held in small cells either on their own, or with up to two other prisoners. It is said that some of them had no human contact except with guards for days and that visits from relatives and lawyers were limited. It is reported that some prisoners were raped with truncheons on arrival in Kandıra prison. Medical examinations are said to have been initiated only three weeks after the alleged sexual assaults.

1597. In particular, the Special Rapporteur has received information concerning the situation in **Kartal special-type prison** in Istanbul. Concerns were expressed regarding the fact that the regimes of small group isolation and solitary confinement practised there may cause deterioration of the mental and physical health of the prisoners and amount to cruel, inhuman or degrading treatment or punishment. According to the information received, the physical structure of the prison does not comply with the United Nations Standard Minimum Rules for the Treatment of Prisoners. It is reported that when prisoners are first brought to the prison, they are held in solitary confinement in a two-person cell for at least a week, during which they are not permitted any exercise in the open air. After this initial period, prisoners are said usually to be transferred to a bigger cell with other inmates. Connected to these cells, are allegedly small yards. The windowless walls are believed to be so high that no sunlight can penetrate in the yards so electric lights have to be kept on. The light switches are said to be outside the cells and thus out of the control of the prisoners. It is reported that in these separate yards prisoners cannot socialize with prisoners held in adjacent cells. The Special Rapporteur has also been informed that there is no access to areas for common use of prisoners held in different cells.

To the Special Rapporteur's knowledge, the authorities have not yet provided evidence that prisoners have access to the library and canteen that are said to exist in the prison. Thus, prisoners who are under a regime of solitary confinement or small group isolation in this prison do not have the possibility to associate with any prisoners outside their cells at any time. They reportedly can only leave their cells if they are visited by their lawyer or relatives of the same surname. It is alleged that some prisoners are suffering the physical and psychological symptoms recorded elsewhere as an effect of small group isolation, including depression and anxiety.

1598. The Special Rapporteur has also transmitted information to the Government according to which an inquiry carried out by three inspectors appointed by the Minister of Justice to examine events related to the prison intervention and subsequent transfers of prisoners was under way. He would appreciate receiving information on the results of this inquiry and, where appropriate, the prosecution of public officials. The Special Rapporteur would also appreciate receiving information on the two laws on prison monitoring boards and supervisory judges which were said to have been adopted at the same time as the amendment to article 16, with a view to accompanying the entry into service of the F-type prisons. It is reported that the new prison monitoring boards could also assume the role of an "on the spot" independent observer on those occasions when the intervention of security forces is necessary to deal with prison disturbances.

1599. The Special Rapporteur transmitted information on the following individual cases in relation to the incident of 19 December 2000 and the subsequent transfers to F-type prisons.

1600. **Nuri Akalın**, a prisoner in Ümraniye prison, was allegedly tortured on 23 December 2000. After the 19 December prison operation, he was transferred to Kandıra F-type prison in a prison bus, where he was reportedly continuously beaten, insulted and interrogated. Upon arrival at Kandıra prison, he was allegedly beaten again, stripped naked and interrogated for approximately 45 minutes, subjected to beating on the soles of the feet (*falaka*), had his testicles squeezed and was raped with a truncheon by gendarmes wearing surgical face masks and latex gloves. Despite several requests and a complaint by his lawyer, Nuri Akalın was only visited by a prosecutor and a forensic doctor three weeks after the alleged rape.

1601. **Baki Yas**, a detainee in an F-type prison in the province of Tekirdag, on behalf of whom the Special Rapporteur had sent an urgent appeal on 11 June 2001 (see below), was reportedly subjected to ill-treatment during his transfer to Edirne prison on 19 December 2000. He was reportedly severely beaten and had some of his hair pulled out upon arrival at Edirne prison, and had puncture wounds made on his face. He was allegedly beaten again for not answering a roll-call and was subjected to *falaka*.

1602. **Volkan Günay**, **Bülent Özdemir**, **Taylan Süren**, **Birol Paşa** and **Sadik Akyüz** were allegedly raped with a truncheon upon arrival at Kadıra prison, were stripped naked, and their testicles squeezed. They were allegedly subjected to *falaka*, as well as forced to stand for several consecutive hours, made to kneel and to kiss the muddy boots of the gendarmes, who reportedly urinated on their heads.

1603. **Cemal Keser** was reportedly transferred from Ümraniye E-type prison to Kocaeli/Kandıra F-type prison on 23 December 2000, during which he was beaten. He was reportedly separated from the others by plain clothes officers and others in military uniform, who are said to have raped him with a truncheon, beaten him and squeezed his testicles. He reportedly urinated blood. His lawyer reportedly observed haematomas and blood spots on his right leg, back, arms and chest during a visit on 25 December 2000, and he bore signs of grazing and ecchymoses two weeks after the beating. He reportedly complained to a doctor and his lawyer reportedly requested a forensic examination in a formal complaint submitted to the prosecutor on 26 December 2000. By early January 2001, there had been no response.

1604. **Hüseyin Kızıltoprak** was allegedly raped with a truncheon and had cigarettes stubbed out on his body at Kocaeli/Kandıra F-type prison. He was allegedly beaten and marks were reportedly visible on his body.

1605. **Cumali Dışkaya** was allegedly raped with a truncheon and had his testicles squeezed upon his arrival at Kocaeli/Kandıra F-type prison. A medical expert reportedly confirmed that "a membrane" (unspecified) had been damaged and found ecchymoses on various parts of his body.

1606. **Irfan Kaplan**, a student, was arrested during the prison operation on 19 December 2000 when he participated in a protest in the Democratic Left Party (DSP) building in Istanbul, taken into police custody at the Anti-Terror Branch of Istanbul Police Headquarters and subsequently transferred to Kandıra F-type prison. He was reportedly stripped naked, beaten and raped with a truncheon on arrival in the prison.

1607. **Saidk Yılmaz** was allegedly severely beaten upon arrival at Kadıra prison and denied food for several days.

1608. **Veysel Kılıç** was allegedly forced to sing songs praising militarism upon arrival at Kadıra prison. His hair was said to have been forcibly shaved off.

1609. **Sinan Doıan** was allegedly beaten upon arrival at Kadıra prison, his hair forcibly shaved off, and he was reportedly held in a cold cell for several days.

1610. **Erkut Cebeci** was allegedly beaten upon arrival at Kadıra prison.

1611. **Hasan Demir** and **Aziz Yılmaz** were allegedly beaten upon arrival at Edirne prison. As a result, Aziz Yılmaz reportedly experienced difficulties speaking.

1612. **Dursun Armutlu** was allegedly beaten upon arrival at Sincan prison, gendarmes urinated in his face, and he was reportedly forced to sing songs praising militarism.

1613. **Hüseyin Tiryaki** was allegedly raped subsequent to his transfer from Ceyhan Kurkculer closed prison in Adana to Sincan F-type prison in the province of Ankara, following the 19 December operation. He was said to be limping. He was reportedly beaten during every roll-call, and sexually assaulted on arrival at the prison. When he refused to become an informer, he was reportedly raped. He allegedly complained to a delegation from Ankara Medical Chamber accompanied by the prosecutor for the prison.

1614. Finally, the Special Rapporteur also transmitted information on the following individual cases.

1615. **Metin Yurtsever** reportedly died in a hospital in Kocaeli, near Istanbul, on 20 November 1998. He had been taken into custody from the local pro-Kurdish People's Democracy Party (HADEP) office where he was allegedly severely beaten by Anti-Terror Branch officers, resulting in several broken ribs. He was subsequently taken to hospital, but an operation reportedly failed to save his life. Police officers allegedly tore up a medical report which had recorded torture as the cause of death, and had a second report prepared by the same hospital stating that he had died from an "arterial occlusion".

1616. **Fesih Güler**, who was reportedly arrested in Diyarbakır on 6 September 2000 and on behalf of whom the Special Rapporteur and the Chairman-Rapporteur of the Working Group on Arbitrary Detention had sent a joint urgent appeal on 18 October 2000 (see E/CN.4/2001/66, para. 1136), was allegedly transferred from the Anti-Terror Branch of Police Headquarters in Diyarbakır to the prison in Siirt at the beginning of 2001. While at Diyarbakır police headquarters, he was reportedly beaten, given electric shocks and had his testicles squeezed to extract a confession. He was allegedly threatened, made to lie on ice and held under cold water. As a result, he reportedly suffered numbness in his left arm and pain in his testicles.

1617. **Twenty-nine children**, aged 15 and under, were reportedly detained for about 36 hours in police custody on 8 January 2001 in Viransheir, near Sanliurfa in south-east Turkey, without being brought before a prosecutor. They were reportedly beaten, forced to remain standing for long periods and deprived of food, drink and sleep. Despite a formal complaint to the Viranshehir Public Prosecutor, no legal proceedings have reportedly been initiated against police officers.

1618. **Erdal Bulut** was reportedly arrested in November 2000 by three plain clothes police officers who boarded the minibus he was driving in the Mecideyeköy district of Istanbul, blindfolded him, beat him, and threatened him with death. He was reportedly kept in a room, handcuffed and blindfolded, for two days, interrogated, beaten and subjected to electric shocks to his hands and feet. He was driven to the centre of Istanbul two days later and released. He reportedly filed a complaint with the Human Rights Association (IHD), alleging torture and the fear of retaliation. Since June 2001, he has reportedly been followed and threatened by people believed to be plain clothes police.

1619. **Eleven shepherds** were reportedly arrested at their homes in three villages and the town of Sivaslı in the Western Province of Uşak by the gendarmerie in the night of 23/24 January 2001, on the accusation of having stolen sheep five years ago. The local prosecutor reportedly authorized four days of detention, during which they were blindfolded and handcuffed. During transport and at the gendarmerie station, they were allegedly severely beaten and forced to sit naked on a very cold concrete floor. Two of them were reportedly subjected to *falaka*, one had his testicles and another his penis squeezed, and they were threatened with further torture. The next day at the State hospital in Sivaslı, blindfolded and handcuffed, they were not properly examined. On 27 January 2001, they allegedly filed formal complaints against the gendarmerie and the doctors. Four were reportedly medically examined at the Medical Chamber in Izmir and their torture allegations corroborated.

1620. **Abdulselam Bayram** was reportedly arrested on 11 February. Authorities reportedly denied that he was in police custody. He reportedly had an observed 10-minute meeting with his lawyers at Diyarbakır police headquarters on 17 February. For seven days, he was reportedly interrogated, blindfolded, subjected to electric shocks, severely beaten, hung by the arms, sprayed with a high-pressure hose and deprived of food, causing severe pain in his chest and numbness and shaking of his arms. As a result of the torture, he reportedly made a number of statements. He has reportedly been charged with PKK membership. No investigations into the torture allegations are said to have been carried out.

1621. **Tekin Ülsen**, on whose behalf the Special Rapporteur had made a joint urgent appeal (see below), was allegedly arrested by five plain clothes police officers in Diyarbakır on the evening of 23 June 2001. His family made seven applications for information to the relevant prosecutors in Diyarbakır, but was told that he was not detained. On 9 July 2001, a man reportedly told them that he had been held in the same cell as Tekin Ülsen at Diyarbakır police headquarters. Nevertheless, police raided the house of Tekin Ülsen on 10 July. On 13 July 2001, his sister reportedly identified him in an identification parade at Diyarbakır police headquarters. He is said not to have been able to stand up and had difficulties recognizing his sister, allegedly as a result of ill-treatment he had been subjected to.

1622. **Emrullah Karagöz** was allegedly tortured in police custody shortly after he was detained on 27 March 2001 in Diyarbakır. During interrogation, he was reportedly blindfolded, beaten, insulted and threatened with death, as a result of which he signed a statement without reading it. He was reportedly held in a small cell with three other detainees with only a concrete ledge for one person to sleep on, denied food for three days and had loud music played into the cell. His head was allegedly regularly pushed next to the loudspeakers.

1623. By the same letter, the Special Rapporteur also transmitted follow-up information on previously sent communications.

1624. **Vasfi Karakoç**, on behalf of whom the Special Rapporteur had intervened by letter dated 23 November 1999 (see E/CN.4/2000/9, para. 1041), reportedly committed suicide by immolation on 2 September 1998 after torture. In its reply dated 9 February 2000 (E/CN.4/2000/9/Add.5, para. 83), the Government claimed that prior to his death he had made a statement to the effect that he was not blaming anyone. After he set himself on fire, he was reportedly transferred to hospital where he was unable to speak and where he subsequently died. His widow reportedly informed the prosecutor that her husband had been tortured in detention in August 1998, but no investigation was reportedly initiated. He had furthermore been reportedly previously exposed to a pattern of harassment by the authorities, and especially by one officer, for several years, including torture in detention in March 1996.

1625. **Ali Serkan Eroglu**, on behalf of whom the Special Rapporteur intervened by letter dated 23 November 1999 (E/CN.4/2000/9, para. 1043), had reportedly been arrested on 27 November 1997 and subsequently tortured for eight hours. On 1 December 1997, he reportedly made a complaint to the public prosecutor. Three weeks later his body was reportedly found hanging from a belt around his neck in a toilet at the Faculty of Communication at the Aegean University. The Izmir Public Prosecutor reportedly opened an investigation into his death, but no trial has allegedly started. His formal complaint was reportedly still with the Governor's office.

1626. **Halil Ibrahim Okkal**, on behalf of whom the Special Rapporteur had intervened by letter dated 23 November 1999 (ibid., para. 1052), had to be transferred to an intensive care unit after interrogation at Çinarli police station in Izmir on 27 November 1995. His application for compensation was reportedly rejected because of the time lapse.

1627. **Deniz Özcan**, on behalf of whom the Special Rapporteur had intervened by letter dated 23 November 1999 (ibid., para. 1042), was arrested on several occasions on the grounds of his participation in illegal activities, according to the information provided by the Government by letter dated 9 February 2000 (see E/CN.4/2000/9/Add.5, para. 84).

1628. **Gazali (Hazal) Turan**, on behalf of whom the Special Rapporteur had intervened by letter dated 23 November 1999 (see E/CN.4/2000/9, para. 1044), was reportedly arrested after a demonstration in Izmir on 22 March 1998 and was held in police custody until 27 March 1998. While in custody, she was allegedly blindfolded, seriously beaten, exposed to electric shocks and sexually abused. On 27 March, she was reportedly brought before the prosecutor and the State Security Court (DGM), which released her. During the meeting with the prosecutor, she claimed to have been tortured and retracted her statements made in police custody. On 30 March, she was rearrested and on 31 March, remanded to Uşak prison by DGM, where she was detained until June 1998. In her trial on 24 June, she also retracted her statements. No action has reportedly been initiated by the prosecutor who twice received Gazali Turan's testimony on her treatment while in detention. Finally, the Special Rapporteur takes note of the response of the Government dated 9 February 2000 which, however, referred to Gazali Turan as a man arrested on 21 March 1999 in Izmir.

1629. **Ali Ekber Öz** and **Nuran Öz**, on behalf of whom the Special Rapporteur had intervened by letter dated 23 November 1999 (see E/CN.4/2000/9, para. 1047), were reportedly arrested on 2 October 1994. According to the Government (see E/CN.4/2000/9/Add.5, para. 87), a medical certificate dated 11 October revealed that they had not been subjected to ill-treatment. The examination, however, reportedly took place at the Antalya court on the day they were remanded to prison, and the doctor allegedly examined them fully dressed. Nuran Öz, the elder sister of Ali Ekber Öz, arrested at the same time but released on 11 October, reportedly obtained a medical report on the same day from the forensic institute in Antalya documenting injuries consistent with her allegations, such as a bruise under her left eye and her right breast and numerous small wounds.

1630. On 15 June 1999, the General Council of the Appeal Court reportedly overturned the acquittal of 10 police officers belonging to the Manisa police department who were accused of having ill-treated a number of students during their detention (see E/CN.4/1999/61, para. 735 and E/CN.4/2001/66, para. 1054), concluding that the police officers had actively participated in torturing juveniles. This decision is reported to be binding on the Penal Court in Manisa which must now retry the police officers for the torture of 16 juveniles during their detention in police custody from 26 December 1995 to 5 January 1996. None of the police officers has allegedly been suspended from duty and there has been little progress in the retrial, and it is feared that should the trial become time-barred, the guilty persons will escape punishment.

1631. By letter dated 30 August 2001, sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1632. **Fatma Tokmak**, a woman of Kurdish origin, and her 2-year-old son Azat were reportedly detained by police officers in Istanbul on 9 December 1996 on suspicion of membership with her husband in the PKK. During their detention at the Anti-Terror Department of police headquarters in Istanbul until 20 December 1996, they were reportedly tortured. In front of his mother, Azat was reportedly given electric shocks on the back and had cigarettes stubbed out on his hands. Fatma Tokmak was reportedly violently undressed, forced to lie on the floor, and her son put on top of her and told "Come on, fuck your mother". She was reportedly threatened with rape, including with a truncheon, several times hung by her arms and sexually abused while in that position. She was told that her son would be killed, when police took him away. On 20 December 1996, she was reportedly taken to the State Security Court in Istanbul, which remanded her to prison in Gebze. With the help of her lawyer, her son was reportedly found and returned to her some weeks later. A medical report by the Istanbul Medical Chamber is said to corroborate her allegations. She reportedly filed a formal complaint in 1997 against the police officers who allegedly tortured them. In July 1998, the public prosecutor in Fatih reportedly decided not to initiate proceedings, a decision appealed by her lawyers and rejected in June 2000. Fatma Tokmak is said to remain in Gebze prison charged with PKK membership. The death penalty is being sought. She is believed not to have received a comprehensive medical examination.

1633. By letter dated 9 November 2001, the Government responded that Fatma Tokmak had been taken into custody on 9 December 1996 in Istanbul along with eight persons. At the time of her apprehension, she was with her child Azat Tokmak, who was sent to the Bahcelievler Nursery of the Social Services and Child Protection Agency on 12 December 1996 and was returned to his mother following a petition by her lawyer on 28 February 1997. The Government stated that it had been revealed that while a PKK member she had been involved in murders and a pistol had been found at the house where the persons had been apprehended. In accordance with the decision of the relevant court, she was arrested and sent to prison on 20 December 1996. Her trial is pending at Istanbul State Security Court. As none of the medical reports indicate any ill-treatment, a decision not to prosecute was taken in respect of the police officers who were alleged to have committed torture. The appeal against this decision was later rejected by the relevant court.

1634. **Fahriye Bikin**, **Müyesser Günes**, **Sekernaz Cakal**, **Rahime Inci** and **Azize Yildiz**, members of the Peace Mothers Initiative, and their male interpreter, **Murat Batgi**, were reportedly arrested by gendarmes at the Iraqi border on 4 October 2000 and interrogated at the border town of Habur for nine hours. After a medical check, the women were reportedly taken blindfolded to gendarmerie headquarters in Silopi and interrogated again by gendarmes, who insulted them, stripped them naked, sexually abused them, choked them with their headscarves and hit them on the back of their heads and necks. The gendarmes allegedly squeezed Azize Yildiz's breasts, took nude photos of her and threatened to publish them. Rahime Inci and Sekernaz Cakal were reportedly hit on the shoulders with a heavy object. Fahriye Bikin, who had also previously undergone a hip operation, was allegedly made to stand all night. On 7 October they were reportedly brought before a prosecutor who ignored their complaints of torture and remanded to Mardin prison. Murat Batgi allegedly had his testicles squeezed, was beaten and threatened. He was reportedly remanded to Silopi prison.

Urgent appeals

1635. On 31 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Serdar Tanis** and **Ebubekir Deniz**, respectively the Head and Secretary of the Silopi district section of the People's Democratic Party (HADEP), on behalf of whom the Chairman-Rapporteur of the Working Group on Enforced or Involuntary Disappearances also intervened. They had been summoned on 25 January 2001 by the Silopi district gendarmerie. On 26 January, Ömer Sansur, the man who had reportedly driven them to the gendarmerie on the previous day, notified the Silopi prosecutor of concerns regarding their whereabouts since the two men had not been seen coming out of the gendarmerie. Their lawyers and lawyers from the Human Rights Association and the Human Rights Foundation of Turkey in Diyarbakır then reportedly tried, in vain, to obtain information about their whereabouts. About a week before being summoned, Serdar Tanis and his father were questioned at the Silopi gendarmerie and allegedly threatened with death.

1636. By letter dated 21 March 2001, the Government responded that the Silopi Public Prosecutor's Office had initiated an investigation into two complaints that Serdar Tanis and Ebubekir Deniz had not been seen since they entered the Silopi gendarmerie headquarters on 25 January 2001 at around 2.30 p.m. In the course of the investigation, it had been established that they had gone to the Silopi gendarmerie headquarters on 25 January 2001 at around 2 p.m. of their own accord and had left at around 2.30 p.m. There was no official record indicating that they had been taken into custody. It had been alleged that Serdar Tanis and Ebubekir Deniz had been forced by three men to get into a car in Silopi on 25 January 2001. Furthermore, the Government added that during the search of a vehicle coming from northern Iraq on 2 March 2001 in Silopi/Sirnak, a letter written by PKK members was found, addressed to Suayip Tanis, stating that Serdar Tanis and Ebubekir Deniz had been at PKK camps. The investigation is under way.

1637. On 6 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **Mehmet Dilsiz, Bedirhan Dilsiz, Muhsin Gasir, Ali Guven, Tahir Ilcin, Nesim Tan, Omer Tunc** and **Halit Zeynep**, all members of HADEP, who had reportedly been arrested on 1 and 2 April 2001. It was believed that they were all detained at Sirnak gendarmerie headquarters. Mehmet Dilsiz was believed to have been threatened and harassed on several occasions since he tried to set up a branch of HADEP in Cizre in September 2000. As a result, he reportedly lodged a complaint with the authorities on 21 February 2001. His statement was reportedly taken by the Cizre Prosecutor on 12 March 2001.

1638. By letters dated 31 May and 6 July 2001, the Government responded that Mehmet Dilsiz and Bedirhan Dilsiz had been taken into custody on 1 April 2001 after the security forces had found them in possession of narcotics and a video cassette on the activities of the PKK during a house search. In the course of the investigation, it was established that Bedirhan Dilsiz had not been involved in the incident and he was released on 5 April 2001. In his testimony Mehmet Dilsiz stated that Nesim Tan, Muhsin Gasir, Halit Zeynep, Ali Güven, Ömer Tunç and Tahir Ilçin had been involved. The Government stated that Mehmet Dilsiz had been arrested while the other persons had been released pending trial by the relevant court on 2 April 2001. A suit had been filed against Mehmet Dilsiz on 25 April 2001 on the charge of aiding and abetting the PKK.

1639. On 10 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **Hasan Kaya**, an alleged asylum-seeker of Kurdish origin, who had reportedly been deported to Istanbul from Romania on 6 April 2001 and was said to be held incommunicado at the Anti-Terror Branch of the Istanbul Police. Turkish media have reportedly described him as the Romanian or Balkans representative of the PKK.

1640. By letter dated 2 November 2001, the Government indicated that Hasan Kaya had been involved in illegal activities in Romania as a member of the PKK and he was deported from that country after his application for asylum was rejected. He was taken into custody on 6 April 2001 at Istanbul Atatürk Airport and, following the legal detention period, was arrested on 10 April 2001. None of the medical reports indicate any trace of ill-treatment.

1641. On 17 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **Mahsum Dikenyol, Hanifi Biçak, Nevzat Tekin, Mehmet Demirkan, Filiz Salkan, Bilge Dilgantas, Necmettin Yaman, Ömer Çagrici, Metin Yalcin, Hüseyin Ciftçi, Metin Atilgan Eren, Sevinç Çiçekli, Ayten Kaya, Hatice Sendul, Mithat Can, Ali Riza Avdar, Zeyhat Zeyrek, Salih Altug, Eylem Resitoglu, Yilmaz Yegen and one unidentified person**, all students in tourism at a college in Termik, a district of Diyarbakir, who had reportedly been arrested on 9 April 2001. They were reportedly held at police headquarters in Termik for 24 hours. On the evening of 10 April, they were taken to Diyarbakir in two buses. On that occasion, eyewitnesses are said to have stated that some of them appeared as if they had been ill-treated. When their lawyers asked the Diyarbakir prosecutor whether the students would be brought before a prosecutor or a judge, the prosecutor allegedly replied that the police might need more time to interrogate them. It is believed that some of the students may have been arrested because they had visited the new HADEP office in Termik.

1642. By letter dated 4 July 2001, the Government responded that Ali Riza Avdan, Mithat Can, Necmettin Yaman, Ibrahim Karaboga, Serhat Zeyrek, Mahsun Dikenyol, Hüseyin Çiftçi, Atilgan Eren, Ömer Çagirici, Nevzat Gültekin, Filiz Salkan, Ayten Kaya, Yilmaz Yegen, Mehmet Demirkiran, Hatice Sendul, Salih Altürk, Metin Yalçin, Mehmet Hanifi Biçak, Sevinç Çiçekli, Dilgan Tas and Eylem Resitoglu, were members of the "Patriotic Youth Working Group", the youth branch of the PKK. They had been taken into custody when police had searched the flat where they were present and found illegal publications and documents. Following an investigation, Sevinç Çiçekli, Dilgan Tas and Eylem Resitoglu were released; Ali Riza Avdan, Salih Altürk, Mehmet Hanifi Biçak, Metin Yalçin, Ibrahim Karaboga, Mithat Can, Necmettin Yaman, Serhat Zeyrek and Yilmaz Yegen were released pending trial while Atilgan Eren, Ömer Çagirici, Mahsun Dikenyol, Mehmet Demirkiran, Hüseyin Çiftçi, Nevzat Gültekin, Ayten Kaya, Hatice Sendul and Filiz Salkan were arrested on 17 April 2001. None of the medical reports of these persons indicates any ill-treatment. Furthermore, none of these persons made an official complaint to the relevant authorities concerning any allegation of having been subjected to ill-treatment.

1643. On 11 June 2001, the Special Rapporteur sent an urgent appeal on behalf of **Baki Yas** who has reportedly been imprisoned since 1994 for his involvement with an illegal organization. He was said to be currently held in a small cell with no window since April 2001 at an F-type prison in the province of Tekirdag. It was reported that the keyhole and a small hole in the wall of his cell have been blocked, allegedly to prevent him from communicating with other prisoners. He is reportedly not allowed to visit the courtyard or to receive letters from relatives. In 1999, Baki Yas was reportedly sentenced to two years of solitary confinement by a State Security Court in Ankara as a disciplinary punishment, which has only recently been implemented. As part of his punishment, he is now believed to be held in solitary confinement with no access to the outside world for 15 days. On the sixteenth and seventeenth days he is said to be allowed to see a doctor, his lawyer and relatives.

1644. By letter dated 10 July 2001, the Government replied that Baki Yas had been sentenced to life imprisonment and six months of solitary confinement upon the decision of the Ankara State Security Court on 8 August 2000. The execution of the solitary confinement had commenced on 11 April 2001 which, following the report of the prison doctor, was suspended for two days on 17 and 18 May 2001. Following a medical report on 19 May 2001, solitary confinement resumed and is to expire on 10 October 2001. Upon the decision of the relevant court dated 14 June 2001, he underwent medical examinations in which it was established that there was no counter indication in terms of health for the execution of the solitary confinement penalty. The Government said that Baki Yas had been receiving proper and regular medical examination by the prison doctor.

1645. On 18 July 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Tekin Ülsen** who had reportedly been arrested by five plain clothes police officers in Diyarbakir on the evening of 23 June. Despite the Ülsen family's seven applications for information to the relevant prosecutors in Diyarbakir, the authorities have reportedly denied having him in custody. On 13 July, two police officers took Tekin Ülsen's sister from her home to police headquarters in Diyarbakir to identify five people in an identity parade who had allegedly been detained with false identity papers. She reportedly identified one of them as her brother and was allowed to meet with him for a short time. She reported that he had difficulty standing up and barely recognized her, allegedly as a result of the treatment he had been subjected to.

1646. By letter dated 15 October 2001, the Government stated that Mahmut Temiz, whose real name was Tekin Ülsen, had been taken into custody on 10 July 2001 in the context of the security operations against the terrorist organization Hizbullah. His sister, Saniye Altin, was informed of his detention by the Directorate General of Security on 13 July 2001 and identified her brother. Tekin Ülsen confessed that he had murdered two persons and wounded one person, among other offences, within the context of his activities in the Hizbullah. During the search conducted at his home, an empty magazine clip of a Macarow pistol and electronic devices were found. He was arrested in accordance with the decision of the relevant court on the grounds of attempting to establish a State based on Islamic law (the Shariah) through changing the present constitutional order of the State by use of arms. None of the medical reports indicates any trace of ill-treatment.

1647. On 27 July 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression on behalf of following 13 persons, including the local and provincial heads of HADEP: **Haydar Öner, Ismihan Öner**, his mother, **Aysel Öner**, his sister-in-law, **Abdurrahman Öner, Senel Polattas** (f), **S. Mehmet Polattas, Turabi Yuka, Mehmet Gariban, Ali Gozübüyük**, the Adiyaman district head of HADEP, **Yusuf Polat**, the Adiyaman province head of HADEP, **Hayriye Polattas** (f), and two other persons whose names were unknown. They were reportedly arrested on 24 July by members of the gendarmerie in the province of Adiyaman. No official reason has reportedly been given for their arrest but their detention is allegedly linked to the fact that they recently met with two Swiss nationals who were visiting the area. They were reportedly being held at gendarmerie headquarters in Adiyaman.

1648. By letter dated 10 September 2001, the Government responded that Ismail Oner had been searched by members of Adiyaman provincial gendarmerie command on grounds of aiding and abetting and being a member of the PKK. He left Turkey illegally and applied to the Government of Switzerland for refugee status, claiming that he had been subjected to torture in Turkey and that he would again be subjected to torture if he went back. The Government stated that Aysel Oner, Ismihan Oner, Haydar Oner, Abdurraham Oner, Mehmet Polattas, Sener Polattas and Hayriye Polattas had been taken into custody by the gendarmerie on 24 July 2001 and that Yusuf Polat, Ali Gözübüyük, Mehmet Gariban, Turabi Yuka, Zarife Bektas and Ibrahim Mutlu had been taken into custody on 25 July 2001. Upon the decision of the Adiyaman Criminal Court of Peace, dated 27 July 2001, Aysel Oner, Ismihan Oner, Mehmet Polattas, Hayriye Polattas, Zarife Bektas and Turabi Yuka were arrested, while the other accused persons were released upon the decision of the Adiyaman Criminal Court of First Instance on 31 July 2001. On 10 August 2001 Aysel Oner, Ismihan Oner, Mehmet Gariban, Mehmet Polattas, Hayriye Polattas, Zárife Bektas and Turabi Yuka were charged with aiding and abetting the PKK by spreading its propaganda. None of the medical reports of the accused persons indicates any trace of ill-treatment.

1649. On the same day, the Special Rapporteur sent an urgent appeal on behalf of **seven African nationals** who were said to be detained incommunicado at the Foreigner's Department of Istanbul police headquarters. It was reported that on 7 July 2001 approximately 200 people from Nigeria, Ethiopia, Eritrea, the United Republic of Tanzania, Ghana, the Sudan, Sierra Leone, Kenya, Rwanda, Liberia, Togo and South Africa were detained in a police round-up in Istanbul which appeared to have targeted only African nationals. All were allegedly taken to the Foreigner's Department of Istanbul police headquarters where they were held for seven days in insanitary conditions, in particular with no mattresses, and were beaten. It was believed that the detainees were made to sign statements, in Turkish, that they had entered Turkey from Greece and that they wished to go back to Greece of their own free will.

On 14 July, gendarmes are said to have taken the group, except the seven mentioned above, to the border with Greece and to have left them there without food or water. They were then apparently made to run to the Greek side, and warned by the gendarmes that they would be shot at if they turned back. The group was reportedly not admitted to Greece and detained by Greek border police for one day before being forced to return to Turkey. Some were believed to still be on the border without food, water or shelter. It is reported that there are minefields in this border area. It was also alleged that some women were raped and subjected to other sexual abuses while in detention and during deportation.

1650. By letter dated 6 August 2001, the Government replied that a group of foreigners had been taken into custody during security checks in Istanbul on 7 and 8 July 2001, and added that allegations of racist and discriminatory treatment were unfounded. The Government affirmed that no pressure had been exerted on those who filled in the required forms, and that no one's passport had been damaged or pages bearing visas torn out as claimed. During the period of custody, nobody was subjected to ill-treatment and the basic needs of the group were met. However, some persons in the group refused medical checks as well as the food provided.

1651. On 1 August 2001, the Special Rapporteur sent an urgent appeal on behalf of **Edip Balik**, who had reportedly been arrested on 4 July 2001 in connection with his alleged membership of Hizbullah. He had reportedly been detained at the Anti-Terror Branch of police headquarters in Diyarbakir for 10 days. On 15 July, a judge reportedly ordered that he be remanded to prison. However, he was allegedly re-arrested on the basis of the "Repentance Law" which allows prisoners to be taken out of prison for additional questioning for up to 10 days. Edip Balik was detained at the police headquarters in Diyarbakir for more than 15 days. On 30 July, he was reportedly allowed to meet with his mother and uncle who saw that he was crippled, and his face was unrecognizable.

1652. By letter dated 2 November 2001, the Government replied that Edip Balik had been searched by the police on the grounds of being a member of Hizbullah, being involved in armed activities and wounding a police officer on 22 April 2000. He was arrested by order of the relevant court and sent to Diyarbakir prison. In accordance with the relevant decree, he was removed from the prison for 10 days and taken to the Diyarbakir Directorate of Security on 13 July 2001, in order to shed light on his activities within Hizbullah. The period was renewed for another 10 days on 23 July 2001, in conformity with the decree. He was returned to the prison on 1 August 2001. None of the medical reports indicates any ill-treatment. However, an investigation has been initiated by the Diyarbakir Public Prosecutor's Office regarding the allegations of torture and prolonged detention. Lawsuits were filed against him on the grounds of attempting to establish a State based on Islamic law by changing the present constitutional order by use of force and of being involved in armed activities as a member of Hizbullah.

1653. On 14 August 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of the **Human Rights Association (IHD)** in Beytusebap, Sirnak, and a key witness for IHD, **Rasim Asan**, who had been arrested and detained. Executives of the IHD, as well as representatives of the Turkish Union of Chambers of Architects and Engineers, the Human Rights Foundation of Turkey, the Association for Human Rights and Solidarity with Oppressed People, the Confederation of Public Sector Unions and the Diyarbakir Democracy Platform, were taking part in an investigation on 8 August 2001 in

Beytusebap, Sirnak, to obtain information relating to tortured villagers, persons who have been evicted in some villages as well as food embargoes imposed on other villages. It is reported that after the group conducted its work in Beytusebap which included taking photographs and making recordings, the members were stopped at the police entry checkpoint to Sirnak, which is attached to a large police base. After threatening the group, the police allegedly released them all except Rasim Asan, who had reportedly given eyewitness testimony to the group. He was allegedly subsequently subjected to electric shocks to his testicles and toes and hung by the arms. It was also reported that Rasim Asan was forced to sign a written statement saying that he had received money from the Vice-President of IHD for his testimony. After a short trial, Rasim Asan was allegedly transferred to prison on 9 August, on the basis of article 159 of the Penal Code, which provides for one to six years' imprisonment for "insulting the Turkish Republic … and the military and security of the State". The public prosecutor's office reportedly did not take into account medical reports indicating that Rasim Asan had been tortured.

1654. By letter dated 19 September 2001, the Government replied that Rasim Asan had been arrested upon decision of the Sirnak Criminal Court of Peace on 9 August 2001 on the charge of having violated the Turkish Criminal Code by insulting the military forces. None of the medical reports indicates any trace of ill-treatment. The cameras that had been confiscated were returned to their owners and the tapes were handed over to the security forces as part of the investigation.

1655. On 21 August 2001, the Special Rapporteur sent an urgent appeal on behalf of **Yasar Atalan** and **Adil Atay** who were reportedly held at Diyarbakir police headquarters in south-eastern Turkey. On 13 August 2001, police had reportedly raided the Atalan family home and arrested all the males in the household, who were taken to Diyarbakir police headquarters. The nephews were released shortly afterwards. Five days later, two lawyers from the IHD, visited the two above-named men, in the presence of the police, at the Anti-Terror Branch of Diyarbakir police headquarters. The lawyers reported that Adil Atay was unable to stand, his hair was wet and his shirt was torn. Emotionally distressed, he is believed to have testified that he had been given electric shocks, hosed with pressurized water and had his testicles squeezed. He reported that he fainted twice a day as a result and that he had been suffering from heart problems. He was also said to have been kept blindfolded at all times. Although illiterate, he was allegedly forced to sign three separate documents, the contents of which he did not know. Yasar Atalan reportedly told the lawyers that he was similarly treated. He also said he was afraid that harm would be done to his family. On 19 August, Yasar Atalan's parents were called to police headquarters where they were told that their son, with whom they had only recently been reunited after 10 years, had "left the organization", referring to the PKK. The parents were reported to have been asked to encourage him to become an informer in return for a reduced sentence. They were told that "otherwise actions could be taken against the family".

1656. By letter dated 29 November 2001, the Government responded that the police besieged a house where Yasar Atalan was hiding on 13 August 2001, in the context of operations by the Diyarbakir Directorate of Security against the PKK. During the operation, he was apprehended whilst trying to escape with a gun in his hand. Adil Atay was assisting him. The two were detained on 13 August 2001. During a search, ammunition was reportedly found. The Government stated that Yasar Atalan had been involved, inter alia, in 18 armed clashes with the security forces. The two men were bought to the Diyarbakir State Security Court on 22 August 2001. Yasar Atalan was arrested, whilst Adil Atay was released. Following his application to the authorities on 20 August 2001, Adil Atay was sent to the Diyarbakir state hospital and underwent medical treatment. With the consent of his doctor, he was taken back to conclude the investigation. Yasar Atalan was taken from the prison by security forces to show them the location of ammunition in Batman, which had been buried by him earlier. None of the medical reports of the above-named persons indicates any trace of ill-treatment.

1657. On 23 August 2001, the Special Rapporteur sent an urgent appeal on behalf of **Yasin Karada** who had reportedly been arrested on 6 August 2001 in Diyarbakir. He was alleged to have been initially detained in police custody for nine days, during which it is believed that he was subjected to torture and other forms of ill-treatment on four occasions. He was then remanded to prison on 15 August but, under the so-called "Repentance Law", taken back into police custody for questioning two days later. Yasin Karada had reportedly been detained and tortured by police in 1993. The police allegedly beat him, squeezed his testicles, hung him up by his arms and gave him electric shocks to his genitals.

1658. By letter dated 19 November 2001, the Government replied that Yasin Karadag had been taken into custody on 7 August 2001 because of his activities in the terrorist organization Hizbullah. The Government stated that he had been removed from the prison for 10 days and taken to the Diyarbakir Directorate of Security on 15 August 2001 in accordance with the relevant decree. He was formally charged with being a member of Hizbullah and the case was pending. None of the medical reports indicates any ill-treatment. Furthermore, the Government stated that he had not filed any complaint regarding allegations of torture or ill-treatment.

1659. On 3 September 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression regarding the arrest in Batman of at least 50 persons who were believed to have tried to travel to Ankara in order to participate in a peaceful march organized on 1 September by HADEP. Among the persons arrested were **Zukuf Karatekin, Mukkader Dolan, Gonul Kalir, Abdurrahman Tasci**, the HADEP Chairman of the Siirt area, **Zana Oner** and **Gurbet Yalçin**. It was also reported that the Ankara police had banned the march, declaring that "it was deemed likely to lead to serious public disorder and cause unwanted incidents". The HADEP party reportedly appealed to a local court to overturn the ban. A crowd of more than 3,000 people was said to have gathered in Diyarbakir on 30 August to board buses to the rally. At least 25 people were reportedly wounded, including some police officers.

1660. By letter dated 29 November 2001, the Government responded that the above-mentioned had been taken into custody on 31 August 2001 during a demonstration in Diyarbakir organized by HADEP. According to the Government, they were inciting people against the State by attacking the security forces with stones and shouting illegal slogans. Gönül Kalir and Mukadder Dolan were released after their statements were taken and Zülküf Karatekin was brought to the State Security Court Public Prosecutor's Office and released afterwards. No action was taken by the relevant authorities regarding Abdurrahaman Tasçi, Zana Izer and Gubert Yalçin. The Government said that no restrictions had been imposed by the security forces on freedom of movement, which was guaranteed by the Turkish Constitution. None of the medical reports indicated any ill-treatment.

1661. On 14 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **Haci Bayancik**, who had reportedly been arrested in Adana in southern Turkey on 5 September 2001 on suspicion of being a member of Hizbullah. He has a brain tumour which causes him to have frequent epileptic fits. He has reportedly been held incommunicado at the Anti-Terrorist Branch of Diyarbakir police headquarters since 9 September 2001. Under Turkish law, detainees should be brought before a judge within 10 days of being arrested, following which they should either be released or remanded to prison. Haci Bayancik was due to appear in court on 14 September, but it was feared that he will be returned to police custody as representatives of Diyarbakir police headquarters told his family to come and visit him there on 17 September, after his court appearance.

1662. By letter dated 16 November 2001, the Government responded that Haci Bayancik had been taken into custody on 5 September 2001 within the context of the operations by the Adana Directorate of Security against the terrorist organization Hizbullah. On 6 September 2001, he was examined at the Adana state hospital and a medical report was issued stating that he was in good health. The Government indicated that in the period he had been in custody he did not have an epileptic fit. He was arrested on 14 September 2001 by the relevant court and the investigation is under way. None of the medical reports indicates any trace of ill-treatment.

1663. On 18 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **supporters of prison hunger strikers in Küçükarmutlu,** Istanbul, in particular **Selma Kubat** and **Ahmet Pusat**, who had reportedly been arrested in Istanbul on 15 September 2001 and were said to be held at the Anti-Terror Branch of Istanbul police headquarters. Members of a German lawyers' delegation were arrested on their way to Küçükarmutlu, along with their interpreters, Ahmet Pusat and Selma Kubat. The police were said to have used tear gas and water cannons to disperse the supporters of hunger-striking prisoners who had gathered for the funeral of one of the hunger-strikers, Ümüs Sahingöz, who was protesting against new high-security prisons. She was one of a number of hunger-strikers who had been released from prison for health reasons and who continued the hunger strike with their supporters in houses in the Küçükarmutlu neighbourhood of Istanbul. Police reportedly took the body of Ümüs Sahingöz to the morgue of the Forensic Institute for investigation.

1664. By letter dated 26 November 2001, the Government responded that Selma Kubat and Ahmet Pusat had been taken into custody on 15 September 2001 in Istanbul and had been released on 17 September 2001 following the legal detention period. The Government indicated that the investigation, which had been initiated by the Istanbul State Security Court Public Prosecutor's Office was under way. None of the medical reports indicates any trace of ill-treatment. Furthermore, neither of them filed a complaint regarding the allegations.

1665. On 28 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **Haci Elhunisuni**, who had reportedly been arrested in south-eastern Turkey on 8 August 2001 on suspicion of membership of Hizbullah. It is reported that by law he should have been remanded to prison after 10 days, but he has now spent almost two months in police custody. He was reportedly detained in Diyarbakir and then taken to the Anti-Terror Branch of police headquarters in Diyarbakir. It was believed that he was beaten, his testicles were squeezed, hung by the arms and subjected to electric shocks, in order to make him give information on members of Hizbullah.

1666. By letter dated 26 November 2001, the Government replied that Haci Elhunisuni had been taken into custody on 8 August 2001 within the context of operations by the Diyarbakir Directorate of Security against the terrorist organization Hizbullah. Haci Elhunisuni confessed that he had been involved in armed activities within the military branch of Hizbullah, including nine murders, inflicting injuries and planting bombs at the instruction of Hizbullah. The Government said that he had been arrested by the relevant court on 17 August 2001 and sent to prison, following the legal period of detention. In accordance with the decision of the competent court, which was taken in conformity with the relevant decree, he was removed from the prison and taken to the Diyarbakir Directorate of Security. On 6 September 2001 he was returned to prison. He was formally charged and the case was pending. None of the medical reports indicates any trace of ill-treatment.

1667. On the same day, the Special Rapporteur also sent an urgent appeal on behalf of the following 15 members of HADEP in Varto, Mus: **Abdulbasit Tas,** also a member of IHD - Mus branch, **Sirin Tas**, **Kasim Sever**, **Mehdi Yildirim**, **Atila Aslan**, **Özgür Yilmaz**, **Behçet Yilmaz**, **Salih Özen**, **Sirri Taskin**, **Aslan Bulak**, **Çetin Kaya**, **Behçet Özen**, the district head of HADEP, **Mehmet Özçelik**, **Ersin Çiçek** and **Masallah Bingöl**, who had reportedly been arrested by police and gendarmes in Varto, in the south-eastern province of Mus, in the early hours of 14 September. They were reportedly held incommunicado at the Anti-Terror Branch of Mus police headquarters. On 15 September, police brought Sirin Tas with them when they searched his home for a weapon. He was allegedly blindfolded and his hands were tightly bound. The police reportedly beat him, his mother, his wife and his sister during the house search. Furthermore, it was reported that Abdulbasit Tas had a bone disease and Kasim Sever was diabetic, and does not have the necessary medicine with him.

1668. By letter dated 26 November 2001, the Government indicated that 20 persons, Özgür Yilmaz, Behcet Yilmaz, Mehmet Tepe, Abdusselam Han, Salih Oyen, Aslan Bulak, Kasim Sever, Burhan Karatas, Behcet Ozen, Mehmet Ozcelik, Sirin Tas, Abdulbasit Tas, Atilla Aslan, Masallah Bingol, Mehdi Yildirim, Cetin Kaya, Sirri Daskin, Abdulmecit Han, Ersin Cicek and Hasim Yigit, had been taken into custody in Varto, Mus on 13 September 2001, on suspicion of aiding and abetting the PKK. Ozgur Yilmaz, Behcet Yilmaz, Mehmet Tepe, Abdusselam Han, Salih Ozen, Aslan Bulak, Kasim Sever and Burhan Karatas were released pending trial while the other 12 persons were arrested by the relevant court and sent to prison. Atilla Aslan and 13 persons were charged with aiding and abetting the PKK, while another charge was filed against Behcet Yilmaz. The cases are pending and a decision of non-prosecution was issued regarding Sasim Sever and four persons. The Government also said that Sirin Tas, Cetin Kaya, Masallah Bingol and Abdulbasit Tas had informed the authorities of their health problems, so they had been dispatched to the state hospital and underwent medical treatment. None of the medical reports of these persons indicates any trace of ill-treatment.

1669. On 1 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on violence against women on behalf of **Asiye Güzel Zeybek**, a journalist, who had been arrested by the Turkish authorities in February 1997 and charged with membership of the Marxist-Leninist Communist Party (MLCP), an "illegal organization" under article 168 of the Turkish Penal Code. She reportedly filed a complaint against eight police officers, claiming that she had been subjected to severe torture including repeated rape over a period of 13 days while she was being held for interrogation at Istanbul security headquarters. A first hearing of her complaint against the eight police officers was reportedly held in November 1998; however, in October 1999, the charges were rejected. It is reported that the court stated that there was "no proof of guilt" against the police officers, in spite of the fact that evidence that she had been raped was presented by members of the Medical Faculty of Istanbul University. In December 2000, she was among hundreds of detainees who protested against their transfer from the prison in Gebze to new detention centres. She reportedly suffered severe injuries as a result of police action and these have resulted in temporary paralysis. The initial trial proceedings against Asiye Güzel Zeybek reportedly commenced in February 2001, four years after her arrest. On 21 September 2001, the proceedings were further adjourned until 7 December 2001.

1670. On 18 October 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **21 members of the Kiliç family**, including **Adil Kiliç**, HADEP provincial council member, **Savas Kiliç**, an eight-year-old child who was said to have been shot and subsequently taken to hospital, seriously wounded. Gendarmes had reportedly arrested the members of this family of Kurdish origin, during a raid in Silvan, Diyarbakir province, south-east Turkey in the early hours of 17 October 2001. It was not known where they were held. Three people were said to have been killed during the operation, which was believed to have been directed against the PKK. The authorities reportedly subsequently issued a statement alleging that two of those killed were PKK members. Among the dead was 18-year-old **Gurbet Kiliç**, who was not believed to have had any connection with the organization. Two soldiers were also reportedly wounded.

1671. On 8 November 2001, the Special Rapporteur sent an urgent appeal on behalf of **Emrullah Karagöz** and **Mustafa Yasar**, both believed to be members of HADEP. Mustafa Yasar is also a member of IHD. He had reportedly been detained by plain clothes police officers at his home on 29 October 2001. Emrullah Karagöz's family have not seen him since 27 October 2001. The Diyarbakir prosecutor was, however, said to have admitted on 1 November that Emrullah Karagöz had been detained. Both were said to have been brought before a judge and remanded to Diyarbakir prison on 1 November 2001. However, the prison authorities have reportedly denied that the men were being held there. It was reported that the authorities later confirmed that Mustafa Yasar was in police detention. Emrullah Karagöz's whereabouts were unclear.

1672. On the same day, the Special Rapporteur also sent an urgent appeal on behalf of **Sefik Yildirim** who had reportedly been arrested twice over the course of one week and was reportedly held in incommunicado detention at a gendarmerie in Diyarbakir province. On 30 October 2001, Sefik Yildirim was taken into police custody in Çermik, Diyarbakir province, and charged with "having connections with the PKK". He was allegedly subjected to electric shocks and was said to be suffering from health problems as a result. On 2 November, he was reportedly brought before a judge with the prosecutor asking for his imprisonment. He was, however, released on the same day. On 6 November, he was detained again.

Follow-up to previously transmitted communications

1673. By letter dated 10 January 2001, the Government responded to an urgent appeal sent by the Special Rapporteur on 27 September 2000 (E/CN.4/2001/66, para. 1129) to which the Government replied by letter dated 6 November 2000 (ibid., para. 1130). The Government indicated that the trial of Resul Sadak, Rüstem Bayar, Mehmet Çakar, Nihat Usal, Cengiz Balik, Abdulrezzak Inan, Mehmet Nezir Ayan, Yakup Kur, Mehmet Temel Kurar, Izzet Belge and Tahir Kutlu was currently going on at the Diyarbakir State Security Court. None of the medical reports indicates ill-treatment.

1674. By letter dated 8 February 2001, the Government responded to the communication sent by the Special Rapporteur on 23 November 1999 (E/CN.4/2000/9, paras. 1050-1051). The Government said that the police officer suspected of ill-treating Abdullah Salman was sentenced to a fine of LT 900,000 and barred from the civil service for three months by the relevant court. However, the conviction was overturned by the Court of Appeals and the new trial was pending at Istanbul Criminal Court. Furthermore, the police officers suspected of killing Ali Riza Aydogan were sentenced to 5 years, 6 months and 20 days of imprisonment by the relevant court. As the file was referred to the Court of Appeal on 3 July 2000, the judgement had not become final.

1675. By letters dated 13 February 2001, the Government responded to urgent appeals transmitted by the Special Rapporteur on 29 September 2000 and on 22 November 2000 (E/CN.4/2001/66).

1676. Concerning Mehmet Gün (ibid., paras. 1131-1132) the Government provided further information, stating that an investigation against those allegedly responsible for his ill-treatment had been initiated, but that the case was closed on 28 November 2000 by a decision of non-prosecution.

1677. Concerning Haci Muhittin Ak, Ayse Ak, Abdülhamit Ak, Birgül Ak and Dilek Ak (ibid., para. 1137), the Government stated that they had been taken into custody on 18 and 19 November 2000 by the Genc gendarmerie on suspicion of aiding and abetting the terrorist PKK. They were transferred to the legal authorities on 20 November 2000. Muhittin Ak, Abdülhamit Ak, Birgül Ak and Ayse Ak were arrested and sent to Bingöl prison on the same day. Dilek Ak was released pending trial. The relevant court decided to release the above-mentioned persons on 8 January 2001 and to suspend the case against them on 10 January 2001 in accordance with the law dated 21 December 2000. The Government stated that Muhittin Ak, who had also been arrested in 1992 and 1995, had never made any official complaint alleging that he had been subjected to torture. None of the medical reports indicated any ill-treatment.

1678. By letter dated 13 March 2001, the Government responded to the communication sent by the Special Rapporteur on 23 November 1999 (E/CN.4/2000/9, paras. 1045 and 1049). The Government indicated that the two police officers allegedly responsible for the death of Cengiz Aksakal in custody were sentenced to imprisonment of two years and one month on 30 December 1997 by the Ardahan Criminal Court and the sentence was approved by the Court of Appeal on 22 December 1998. However, upon the application of the defence counsel, the Court of Appeal took a decision of retrial on 2 July 1999. The file was therefore referred back to the Ardahan Criminal Court and the trial was pending. The Government replied that Hüseyin Çelik had been taken into custody on 1 May 1999 in Istanbul, during an illegal demonstration in which he had participated. Following the legal detention period, he was referred to the relevant court on 5 May 1998 which decided to release him. On the basis of the complaint made by Hüseyin Çelik alleging that he was subjected to ill-treatment while he was in custody, a suit was filed and the police officers suspected were acquitted in accordance with the decision of the Istanbul Criminal Court.

1679. By letters dated 4 May and 4 July 2001, the Government responded to the cases mentioned in the communication transmitted by the Special Rapporteur on 15 November 2000 (E/CN.4/2001/66).

1680. Concerning a woman (ibid., para. 1095), the Government indicated that an investigation concerning the incident of ill-treatment alleged had been initiated by the Adana Public Prosecutor, but as no sufficient evidence could be found in the course of the investigation, a decision of non-prosecution was made. Furthermore, the Government added that none of the medical reports indicated any ill-treatment. A new investigation had been initiated upon her application, which was under way.

1681. Concerning Ramazan Tekin (ibid., para. 1096), the Government replied that an investigation into his complaint that he had been subjected to ill-treatment while in custody had been initiated by the Diyarbakir Public Prosecutor's Office. None of his medical reports indicated any ill-treatment.

1682. Concerning Cevat Soysal (ibid., para. 1099), the Government responded that an investigation concerning allegations that he had been subjected to torture in custody had been initiated by the Ankara Public Prosecutor's Office and following the investigation, a decision of non-prosecution was made. None of the medical reports indicated any ill-treatment.

1683. Concerning Muzaffer Çinar (ibid., para. 1100), the Government stated that he had been taken into custody on the grounds of aiding and abetting the PKK. It was established through medical reports that he had not been subjected to ill-treatment while he was in custody at the Siirt Directorate of Security.

1684. Concerning Feridun Çelik, Feyzullah Karaaslan and Selim Özalp (ibid., paras. 1097-1118-1119), the Government provided further information, stating that it had been established through medical reports that they had not been subjected to ill-treatment while they were in custody.

1685. Concerning some members of the Science and Research Foundation (ibid., 1103), none of their medical reports indicated any ill-treatment. However, an investigation is under way.

1686. Concerning Alpaslan Yelden (ibid., para. 1102), the Government indicated that a suit had been filed against 10 police officers on the grounds of causing death by torture. The trial is pending at Izmir Criminal Court.

1687. Concerning Süleyman Yeter (ibid., para. 1101), the Government responded that the trial against the officers accused of torture was pending at Istanbul Criminal Court.

1688. Concerning the events at Ulucanlar prison in September 1999 (ibid., para. 1092), the Government replied that members of the DHKP/C and TIKKO terrorist organizations had not cooperated with the law enforcement personnel who had to search the premises of the Ankara central prison in the morning of 26 September 1999. The prisoners mentioned above attempted to hinder the security personnel from entering the dormitories, blocked the entrances, and did not hesitate to use explosives, guns and primitive hand-made weapons against the security personnel. In view of this resistance, the security forces decided to use tear gas; however, the detainees moved through the dormitories and escaped injury. However, according to the Government, they kept on shooting at the security personnel. The Government stated that the security personnel who were under direct attack reciprocated in self-defence. As a result of the clashes, 10 prisoners died and 18 were injured; 6 security personnel were seriously injured by gunfire. All the injured persons received medical treatment and 33 prisoners from the Ankara central prison who had resisted being moved to another prison were immediately removed after this incident. The Government stated that a suit had been filed against 85 prisoners and convicts who participated in the armed uprising at Ulucanlar prison and other suit had been filed against 161 security personnel who took part in suppressing the uprising. Both cases were pending at the time of the reply.

Turkmenistan

Urgent appeals

1689. On 6 February 2001, the Special Rapporteur sent an urgent appeal on behalf of **Shagildy Atakov**, a Baptist Christian, who had reportedly served nearly two years in labour camps. He was reportedly held in a camp in the town of Seydi, in the north-east of Turkmenistan. Conditions at this camp were said to be very harsh and he was allegedly beaten repeatedly by prison guards. His wife, Artygul Atakova, visited him in the labour camp on 3 and 4 February 2001. He was reportedly hardly able to walk, he was bruised and battered, he had abdominal pain, he frequently lost consciousness and he was suffering from jaundice.

1690. On 22 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on freedom of opinion and expression on behalf of **Dmitry Melnichenko**, a member of the Evangelical Baptist Church in Ashgabat, who had reportedly been detained after refusing to carry arms and swear an oath of allegiance to the military on grounds of conscience. On 15 May, he was allegedly brought to the local offices of the National Security Committee where he was beaten with a truncheon and electric shocks applied to his ears. On 16 May, he was allegedly transferred back to the military unit in Serdar.

Uganda

Urgent appeals

1691. On 22 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Yvan Kayitana Rukesha**, a former lieutenant of artillery in the Rwandese Patriotic Army, **Adolphe Dusabe**, a former Rwandese police officer, and **Robert Boyoma Sendanyoye**, a Rwandese civilian, as well as seven other Rwandese nationals who had reportedly been arrested on 9 October 2001 by members of the Ugandan Anti-Terrorist Task Force on suspicion of having entered Uganda for "terrorist or criminal motives". They were said to be detained at an unofficial detention centre in Kampala, referred to as a "safe house". One of the Rwandese nationals arrested with them, but subsequently released, **Rogers Rugwiza**, was allegedly seriously beaten in custody by the security forces. Yvan Kayitana Rukesha had fled Rwanda in mid-2001 because he had reportedly been threatened and feared arrest, after complaining about a senior officer's abusive behaviour.

Ukraine

Follow-up to previously transmitted communications

1692. By letter dated 10 April 2001, the Government responded to all cases transmitted by the Special Rapporteur in October 2000 (see E/CN.4/2001/66, paras. 1142-1146).

1693. Concerning Sergei Lazarenko (ibid., para. 1143), the Government responded that he had been arrested on 10 June 1999 for committing assault and theft, and on 14 June, he was remanded in custody by a procurator for Krasny Luch. While on remand, he complained on 11 and 13 June of health problems and first aid teams were called in twice to see him. Examinations by doctors showed that he had an open cranial wound, concussion and haematomas of the thorax and forearms. No arrangements for his hospitalization were made despite the doctor's advice. Disciplinary proceedings were instituted against the responsible officers and they were severely reprimanded. On being questioned, Sergei Lazarenko told the investigator that his injuries had been caused by three police officers of the Krasny Luch district division of the Ministry of Internal Affairs when he was detained on 9 June. A forensic examination was ordered. According to the record of 19 June, he had minor physical injuries that did not result in any short-term ill-health. On 15 June, he sent a complaint to the procurator of Krasny Luch alleging unlawful conduct by the police officers, but on 13 August 1999, he wrote a statement in the presence of his lawyer to the effect that his cell mates had beaten him and that he had wrongly accused the police in an attempt to evade responsibility for his crimes. Because of this, the procurator's office on 2 September 1999 declined to institute criminal proceedings. Whilst examining his complaint, the prosecutor's office established that on 9 June 1999 two officers had unlawfully arrested him for an offence under the Code of Administrative Offences and that a court had fined him 52 grivnas. On 26 June 1999, the procurator appealed against the administrative report on that matter and it was annulled by the municipal court as contrary to law. On 16 September 1999, the prosecutor opened a criminal case against the two officers for offences under articles 166 and 172 of the Criminal Code. On 28 March 2000, the case was remitted to the court in Antratsyt in Lugansk oblast. The case has not yet been decided. Sergei Lazarenko was found guilty of offences under articles 140 and 142 of the Criminal Code, but the oblast court quashed the decision as too lenient and referred the case to a higher court for rehearing.

1694. Concerning A.V. Zhovtan (ibid., para. 1144), the Government responded that he was arrested by an investigating officer of the procurator's office as a suspect in the murder of a managing director in Lugansk and remanded in custody. After his release from custody on 29 December 1999 [sic], his wife complained to the procurator's office that police officers had acted unlawfully by beating her husband in the remand centre. On 25 December 1998, a criminal case was opened by the procurator's office against three police officers for acting ultra vires under the Criminal Code. The three officers were sentenced to 3½ years' imprisonment in a strict-regime corrective labour colony. Two of the officers, who were under a restricted to residence order during the investigation and court proceedings, fled to avoid the enforcement of the court's order. A search was ordered and is now being carried out by the Lugansk municipal division of the Ministry of Internal Affairs. Article 45 of the Criminal Code was applied to the third officer: his prison sentence was suspended for two years and he was fined 200 grivnas.

1695. Concerning S.V. Ostapenko (ibid., para. 1145), the Government responded that he had been arrested on 19 March 1999 with the approval of the prosecutor's office on suspicion of selling stolen goods. On 20 March, he was sent to the remand centre in Cherkassy. On 16 April 1999, he told an investigator that members of the Organized Crime Division of the Ministry of Internal Affairs in Cherkassy oblast had injured his arms. On 7 May, his health deteriorated sharply and at 11.40 p.m. he was diagnosed as suffering from deep-vein thrombosis of the right arm and was hospitalized in the surgical ward of Cherkassy municipal hospital No. 3, where he died on 10 May. When questioned, the staff of the Organized Crime Division stated that they had not used any force against him. A criminal investigation of the three officers of the Organized Crime Division did not find them to be implicated in his death, and by decision of the oblast procurator's office on 15 May 2000, the criminal case was abandoned for lack of evidence. The Cherkassy oblast procurator instituted criminal proceedings for dereliction of duty and negligent homicide against the doctor in the remand centre who had not made a proper medical examination of S.V. Ostapenko and had failed to carry out other professional duties, so that irreversible processes took place as a result of which the prisoner died. The investigation of the case is now complete and it has been sent for hearing to the Pridneprovsky district court in Cherkassy. In view of the above facts, the Government denied the allegations of systematic grave violations of human rights by the Ukrainian authorities, which were inaccurate and without foundation.

1696. Concerning the journalist Georgy Gongadze (ibid., para. 1146), the Government responded that he disappeared on 16 September 2000. On 19 September, the Office of the Public Prosecutor of Pechersky district of Kyiv instituted criminal proceedings. On 3 December 2000, separate criminal proceedings, which were later joined with those of the Office of the Prosecutor General of Ukraine, were initiated after a decapitated corpse was found in the forest in Tarascha district. During the preliminary investigation over 200 persons were questioned and more than 20 expert examinations conducted. A forensic examination by the Main Forensic Expertise Bureau of the Ministry of Health found wounds on the right arm of the corpse which had the characteristics of an explosion-related trauma. Two examinations established that the corpse was that of Georgy Gongadze. On 27 February 2001, the Prosecutor General of Ukraine decided to institute criminal proceedings for premeditated murder. The possibility of involvement by top officials of the Ukraine in his disappearance was investigated after it was revealed that conversations of the President of the Ukraine and other officials in which illegal orders were issued for the kidnapping of Georgy Gongadze on 28 November had allegedly been recorded. Three phonoscopic examinations were undertaken, including one which revealed that the tapes consisted of separate fragments connected artificially.

Furthermore, it was impossible to determine if the voices on the cassettes belonged to the officials, who denied any involvement in the kidnapping. On 3 December 2000, the Office of the Prosecutor General refused to institute criminal proceedings against the President and other officials.

United Arab Emirates

1697. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1698. **Afzal Hamud Zu Zaman**, a Pakistani national, was reportedly arrested on 21 June 1997 in Umm-Al-Quwan, Dubai, and detained in Dubai police headquarters, in Dubai public prosecution jail and in Dubai central prison. He was reportedly chained and handcuffed in a sitting position for 42 days, given electric shocks and his nails removed. He was reportedly detained in a small and dark isolation cell, infested with vermin. He reportedly raised these allegations during his trial but the court disregarded them.

1699. **Fatima Mohammad Ra'uf**, a Sri Lankan woman, and **Mohammad Koya**, an Indian national, were reportedly sentenced on 4 September 2000 by a Shariah court in the Emirate of Fujairah to flogging and imprisonment for adultery. Fatima Mohammad Ra'uf was reportedly sentenced to 100 lashes and one year's imprisonment and Mohammad Koya to 90 lashes and 10 months' imprisonment.

Urgent appeals

1700. On 2 February 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention on behalf of **Muhsin Mustafa Khalaj**, an Iranian citizen, who had reportedly been arrested on 30 January 2001 at Dubai airport on charges of possession of narcotic medication, which was said to have been prescribed by his physician. On the same day, he was allegedly transferred to the Mina Rashed police department in Dubai. Muhsin Mustafa Khalaj reportedly arrived in Dubai to collect a visa to the United States, which he had reportedly been granted, as Iran is said not to have a United States embassy, and to proceed to the United States where he is supposed to receive medical treatment.

1701. By letter dated 3 May 2001, the Government confirmed that Muhsin Mustafa Khalaj had been arrested at Dubai international airport on 28 January 2001 on his arrival from Tehran. One gram of a dark brown-coloured substance with the distinctive appearance of opium was found inside a medicine capsule which he had concealed in a secret pocket in his jacket. The substance found in the capsule was confirmed to be opium by the Directorate-General of Criminal Evidence. According to the forensic laboratory report, morphine and codeine was found in his urine. The Government also informed the Special Rapporteur that on 27 February 2001 Muhsin Mustafa Khalaj had been sentenced to four years' imprisonment and deportation.

1702. On 4 September 2001, the Special Rapporteur sent an urgent appeal on behalf of **'Ali 'Amish, 'Ali Bashir, Ahmad Mohammad 'Ali' 'Ak'ak, 'Abdullah Abu al-Qasim al-Ghazal** and **Ahmad Ramadhan Hussain Qanud**, five Libyan nationals who were reported to have been arrested and to face imminent and forcible repatriation to the Libyan Arab Jamahiriya, where it was alleged that they may be at risk of torture and other forms of ill-treatment. 'Ali Amish was allegedly arrested in May 2001 and 'Ali Bashir was said to have been arrested on 3 July 2001. Ahmad Mohammad 'Ali 'Ak'ak, an imam was reportedly arrested by members of the Amn al-Dawla (State Security) on 3 July 2001 at his home. He had escaped from Libya in 1989 to avoid arrest because of his anti-Government political and religious activities. 'Abdullah Abu al-Qasim al-Ghazal, who had allegedly left Libya in 1989 to avoid arrest because of his religious activities, was reportedly arrested on 31 August 2001. Ahmad Ramadhan Hussain Qanud, an imam, who had allegedly left Libya around 1993 and travelled to the United Arab Emirates, was also said to have been arrested on 31 August. The fate and whereabouts of the above-named persons were unknown.

1703. On 10 September 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **'Abdullah Abu al-Qasim al-Ghazal**, on behalf of whom the Special Rapporteur on torture had intervened on 4 September 2001 (see above). It was reported that he had died in custody. On 6 September 2001, his wife was reportedly summoned to al-Kalidiya police station in Abu Dhabi, where she was told that her husband had committed suicide. She was reportedly asked to collect his body for burial, but refused to do so and asked for an autopsy to be carried out. No post-mortem examination was known to have been conducted so far, and fears were expressed that the burial could take place shortly, allegedly in an attempt to avoid an autopsy.

Follow-up to previously transmitted communications

1704. Concerning Karima Pifatool (E/CN.4/2001/66, para. 1147), the Government replied by letter dated 21 March 2001 that she was arrested on 13 June on charges of being alone with a man in a prohibited and sinful situation. On 12 November 2000, the Shariah Court at Fujairah sentenced her to one year and two months' imprisonment, 120 lashes and a fine of 1,000 dirhams. On appeal, the Fujairah Court of Appeal reduced her sentence to one year's imprisonment and annulled the fine. On 29 November 2000, the remaining prison term was remitted. The sentence of flogging was carried out. She was given a fair trial in accordance with the laws of the State.

United Republic of Tanzania

1705. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1706. **Ayube Bakari, Ismail Jusab** and **Salum Dimani**, all officials of the Civic United Front (CUF), were reportedly beaten by police officers of the anti-smuggling unit Kikosi Maalum Cha Kuzuia Magendo (KMMA) on 1 November 2000, in the run-up to the elections, when they were leaving the party's offices in Zanzibar town. Salum Dimani is believed to have required hospitalization as a result.

1707. **A number of demonstrators**, including CUF supporters, were reportedly injured by the police on 30 October 2000 in Zanzibar, when they were protesting against irregularities in the 29 October 2000 elections. Police in riot gear reportedly opened fire with live ammunition, tear gas and rubber bullets.

Urgent appeals

1708. On 5 February 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on arbitrary detention and the Special Rapporteur on freedom of opinion and expression on behalf of **Mohammed Ali Yussuf, Hamad Masad Hamd, Maulid Makame Abdallah, Juma Othman Juma** and **Ahmed Seif** who had reportedly been detained incommunicado along with **several hundred other people** between 25 and 28 January 2001 in Dar es Salaam and on the islands of Unguja, Pemba and Zanzibar. These arrests allegedly took place in the context of the government's response to a call for countrywide demonstrations by CUF and other opposition parties demanding a rerun of the October presidential and parliamentary elections and reform of the Constitution. Various extrajudicial killings and incidents of torture, including rapes and severe beatings, perpetrated by the police as well as paramilitary units have been reported. It was believed that most of the detainees had been tortured while in custody and the places of detention of most of them were unknown.

United States of America

1709. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information concerning the high rate of inmate-on-inmate sexual abuse in prisons. About 20 per cent of inmates have reportedly experienced at least one episode of forced sexual contact in detention and about 7 per cent have been raped. Depending on their age, looks, sexual orientation and other characteristics, certain prisoners are believed to be specifically targeted for sexual assault in penal facilities, and subsequently "enslaved" by other inmates. As a result of rape in prisons, several inmates are said to have contracted HIV. Correctional officials are alleged not to take any preventive measures and punishment is said to be rare. Victims can end up spending their prison terms in protective custody where, due to overcrowding, they may be put with others who threaten them. Internal disciplinary mechanisms and the criminal justice system are said to afford scant relief to sexually abused prisoners. Few public prosecutors are reportedly concerned with prosecuting crimes committed against inmates, and federal courts reportedly do not greatly curtail prisoner-on-prisoner sexual abuse. Suits against the prison authorities in the aftermath of rape are said to be often dismissed at the early stages of litigation and jury members are alleged to be wholly unreceptive.

1710. In particular, the Special Rapporteur transmitted information on the following individual cases.

1711. **Robin Lucas**, an African-American transgendered woman, was reportedly detained for credit card fraud in California in 1995 and placed in the Special Housing Unit of the Federal Detention Centre, Pleasanton, where the authorities allegedly ignored her complaints about being in a unit generally housing men and visible to male inmates and guards, including when showering and using the toilet. She was reportedly harassed, taunted and threatened because of her sexual orientation. In September 1995, three male inmates raped her. She reportedly suffered severe injuries to her neck, arms, back, vagina and anus. The guards implicated in these abuses were reportedly transferred to another facility and no disciplinary action was taken. A civil lawsuit for compensation was reportedly settled in her favour in 1998.

1712. **Rodney Hulin Jr.**, aged 16, was reportedly sentenced to eight years' imprisonment in an adult prison in early 1995. On 13 November 1995, he was allegedly transferred to the Clemens Unit in Brazoria County, Texas, where he was raped one week later. Subsequently he was denied protective custody. He reportedly violated disciplinary rules in order to be placed in isolation, as he was still facing threats. In isolation, he is said to have committed suicide. His parents reportedly filed a suit against the Texas prison system for failing to protect their son, which was settled out of court in 1998 with Texas paying a substantial settlement. The rapists, who were known by name, were reportedly not prosecuted.

1713. **Gary Adkins**, an inmate at Wayne County jail in West Virginia, was reportedly assaulted by correctional officers for no apparent reason in October 1999, had mace sprayed in his eyes, was beaten and subsequently denied medical treatment, resulting in a broken nose and ribs, contusions to the head and cuts and bruises. The FBI reportedly launched an investigation, which is under review by the Department of Justice. Fears have been expressed that the cause of the alleged beating was the homosexuality of the victim.

1714. **Frederick Mason** was reportedly arrested by police officers of the Chicago Police Department on 19 July 2000. At the police station, two unidentified officers cuffed him by the elbows and pinned him to a wall. The arresting officer reportedly pulled down his trousers and sprayed blue cleaning liquid on a billy club before ramming the baton into Mason's rectum, whilst making remarks such as "I'm tired of you faggot - you sick motherfucker". As a result, he reportedly had blood streaming from his rectum. His doctor reportedly confirmed the injury. The case is said to be under investigation by the police department's Office of Professional Standards (OPS); however, the police chief allegedly insisted that "even the most basic facts do not support Frederick Mason's allegations".

1715. **Kentin Waits** was reportedly involved in a minor traffic altercation with a Chicago police officer on 22 July 2000. The next morning, he was reportedly arrested at his home, and taken to the 19th District Belmont and Western police station where he was charged with assault. Staff reportedly applauded his arrival at the station. While handcuffed, he was slammed into doors and walls, resulting in lacerations to his wrists and bruises to his upper arms. He was reportedly taken to an interrogation room, handcuffed to an overhead bar, and then beaten on the face and head and kneed in the groin. The arresting officer allegedly called him a "fucking faggot" and "gay motherfucker". He was reportedly held in a cell for 22 hours, suffering from severe pain in the stomach, but denied medical treatment. In October 2000, his case was reportedly submitted for investigation to the Chicago OPS, but "not sustained" for lack of proof.

1716. **Jeffrey Lyons** was reportedly assaulted by a group of between 8 and 10 off-duty police officers in Chicago on 25 November 2000, who broke his nose and fractured his cheekbone, causing neurological damage, after he embraced a male friend outside a bar. An unidentified officer reportedly said "get this through your head, you faggots will never win". Jeffrey Lyons allegedly briefly lost consciousness. The officers, in two cars, reportedly tried to run over

Jeffrey Lyons' companion as he took down their licence plate numbers. The case is said to be under investigation by OPS. The police reportedly failed to secure the crime scene and prevented Jeffrey Lyons from making a positive identification of his assailant until 2½ weeks after the incident had been highlighted in the local press. Three officers identified as the owners of the fleeing cars were reportedly initially suspended, but have since returned to duty.

1717. The Special Rapporteur transmitted information on the disproportionate and repeated use of pepper spray, called oleoresin capsicum (OC), on Native American children at the Pine Hills School Youth Correctional Facility. A senior staff member reportedly admitted during court proceedings last year that some children had been sprayed with the painful chemical spray as many as 15 times. Because of concern about these cases, the Montana Senate Judiciary Committee reportedly heard testimony on a bill to ban the use of pepper spray at juvenile correctional facilities, but the hearings were postponed indefinitely. During the hearings, Pine Hill staff allegedly defended the use of OC spray. One boy had allegedly been sprayed with OC at least nine times in 19 months, including five times in one month in 1999 and another was exposed to OC spray in his unit for 12 minutes with the air conditioning turned off.

1718. The Special Rapporteur transmitted follow-up information on communications previously sent to the Government on 15 November 1999 (see E/CN.4/2000/9, paras. 1110-1111) to which the Government had responded by letter dated 6 December 2000 (see E/CN.4/2001/66, para. 1220) on ill-treatment, inter alia, in supermaximum security prisons.

1719. Prisoners in Wallens Ridge State Prison (WRSP), a supermaximum security prison in Virginia, reportedly continue to be routinely abused with electro-shock stun guns, subjected to racial verbal abuse by guards, fired on with pellet guns, and placed unnecessarily in five-point restraints, including about 480 prisoners transferred from Connecticut to WRSP by contract between October 1999 and early 2000. In February 2001, a lawsuit was reportedly filed against the Connecticut Department of Corrections, alleging that prisoners in WRSP were placed in mechanical restraints for prolonged periods for minor offences and seeking an injunction to end abusive practices, including the misuse of electro-shock weapons and pellet guns. The Virginia Department of Corrections has allegedly failed to hold inquiries and refused to suspend or limit the use of stun weapons. In September 2000, the United States Justice Department's Civil Rights Division reportedly opened an investigation into allegations, inter alia, into the misuse of electro-shock stun guns, restraints and firearms (pellet guns) and racism at Red Onion State Prison, another supermaximum security facility in Virginia.

1720. There reportedly have been many complaints of ill-treatment with electro-shock weapons in both Wallens Ridge and Red Onion. Some prisoners have allegedly been made to wear stun belts which can deliver a 50,000-volt shock causing severe pain and incapacitation. **Lawrence Frazier**, a diabetic prisoner from Connecticut, reportedly died on 4 July 2000, five days after he was shocked repeatedly with a stun gun in the WRSP infirmary and lapsed into a coma. He had been taken to the infirmary suffering from hypoglycaemia, and the stun gun was allegedly used after he became "combative" on being examined by a doctor. By April 2001, the autopsy reports on Lawrence Frazier had still not been made public.

1721. With respect to the use of five-point restraints, the Special Rapporteur transmitted information according to which in August 2000, a lawsuit alleged that District of Columbia prisoners housed at Sussex 11 State Prison, Virginia, were subjected to punitive and inhumane treatment by being routinely placed in five-point restraints for periods of 48 hours or longer for relatively minor disciplinary infractions. The procedure reportedly involved prisoners being stripped to their underwear and strapped to a steel bed by the wrists and ankles, with additional straps across the chest and thighs, so that they were completely immobilized. Monitoring by medical staff and breaks to use the bathroom were reported to be grossly inadequate, with prisoners forced to lie in their own waste. Similar practices have been reported in Wallens Ridge and Red Onion. The lawsuit filed in February 2001 by the National Prison Project of the American Civil Liberties Union (ACLU) is said to claim that between January and August 2000, more than 40 Connecticut prisoners in WRSP were placed in five-point restraint for 48 hours, or longer, for trivial offences such as kicking their cell door, throwing clothes or sticking a roll of paper out of a cell door. The suit also alleges that prisoners have been placed in such restraint regardless of whether their behaviour resulted from mental illness and whether restraints would exacerbate this condition. According to the information received, the Virginia Department of Corrections changed its restraint policy statewide at the end of 2000, in response to the Sussex 11 lawsuit. The new policy reportedly conforms to the American Correctional Association standards on restraint which state that "four/five-point restraint should be used only in extreme instances and only when other types of restraints have proven to be ineffective ... and [should not be applied] for more time than is absolutely necessary". Despite this change in policy, there are continued reports of prisoners in WRSP being placed in prolonged five-point restraint for behaviour that does not warrant such an extreme measure. The ACLU has reported that one of the original plaintiffs in the above lawsuit - who had been placed in five-point restraint on several occasions in 2000 - was again placed in five-point restraint for 48 hours in March 2001 for "kicking his cell door".

1722. With respect to the use of rubber pellet "stinger" shotguns, the Special Rapporteur transmitted information according to which guards at Wallens Ridge and Red Onion routinely carry firearms which discharge rubber pellet "stinger rounds". Although classed as non-lethal, the pellets are said to be extremely painful and can cause serious injury, especially if discharged at close range or to the face. Virginia is one of only three states in the United States where guards are permitted to carry firearms of any type within the prison perimeter - the others are California and Nevada. There have been persistent reports of rubber pellet guns being used by guards at both prisons to break up fights in the recreation yard, despite the fact that other prisons do not need to resort to such weapons. Although policies require that warning shots must be fired first, guards have allegedly moved quickly to fire live rounds in some cases, causing injuries to inmates, including inmates not involved in the incidents. Some inmates have reportedly been shot at for refusing to comply with an order or for not moving fast enough. In particular, black and Hispanic prisoners are believed to have made complaints about the improper use of pellet guns to the Connecticut Commission on Human Rights and Opportunities (CHRO). In March 2000, it is alleged that rubber pellets were fired at two fighting inmates, causing injury to at least five uninvolved prisoners who had complied with an order to lie on the ground; one prisoner was hit in the eye. In November 2000, in WRSP, 10 uninvolved prisoners were allegedly struck by rubber pellets when guards fired on two fighting inmates.

1723. With respect to medical and mental health care, the Special Rapporteur informed the Government that he had received information according to which Virginia is one of at least 36 states to have constructed supermaximum-security facilities in recent years. Supermaximum-security prisons are said to place an emphasis on security and control rather than rehabilitation, with prisoners typically confined to isolated cells for 23 hours or more a day, with no work or vocational programmes. It is reported that the authorities claim that these facilities - which place far more restrictions on prisoners than other maximum security prisons - are designed to house prisoners who are too violent or too disruptive to be detained in an ordinary prison. However, it is believed that a number of prisoners being housed in such facilities do not merit such a high security regime. In Wallens Ridge and Red Onion, prisoners who qualify for "general population" status have reportedly more out-of-cell time than many other supermaximum-security facilities and may exercise in limited groups. However, conditions overall are said to remain extremely harsh. Prisoners remain confined to cells for long periods and the large majority have no access to work, vocational or educational programmes. Prisoners with disciplinary problems may also be confined 23 hours a day or more, with no direct contact with other inmates. CHRO reportedly noted many complaints from Connecticut prisoners about inadequate health care in WRSP, including mental health care. Complaints are said to include lack of access to treatment and the fact that consultations and examinations by mental health staff often took place at the prisoner's cell door, within the sight and sound of other inmates. In particular, the Special Rapporteur has received information on **David Tracy**, a Connecticut prisoner who committed suicide in April 2000, after five months in WRSP. It subsequently became known that he had a history of serious mental illness and had attempted suicide numerous times while incarcerated in Connecticut. Furthermore, David Tracy (aged 18 when sentenced to prison) was serving a short sentence for a relatively minor non-violent drug offence when he was transferred to WRSP and was due for release just months after his suicide. It is alleged that his transfer to WRSP appeared "grossly inappropriate" in the circumstances.

Urgent appeals

1724. On 2 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **James Kevin Campbell** who was reportedly imprisoned in the Hughes Unit in Gatesville prison in Texas. It is reported that he has been detained in solitary confinement for over 10 years. He is said to be prohibited from phoning his family or from taking part in any education programmes. As a result, he is said to be suffering from mental illness and severe depression. In September 1999, he was reportedly diagnosed by a psychiatrist at a crisis management facility in Galveston as suffering from bipolar 1 disorder. Upon his return to the prison, the doctor at the unit allegedly changed the diagnosis to mood disorder due to seizures and is said to have prescribed another medication. James Kevin Campbell has reportedly been denied counselling since. He is currently allegedly held in an inadequately lit cell, as a result of which his eyesight is said to be deteriorating.

Uzbekistan

1725. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information according to which the criminal justice system appears to lack procedural safeguards against police abuse, as it reportedly grants the prosecution wide powers concerning pre-trial custody and access to lawyers and to forensic evidence. It is alleged that although the law provides for access to legal counsel from the moment of detention, police frequently pressure detainees and their relatives not to seek counsel or to accept the services of State-appointed lawyers, who are allegedly unlikely to lodge complaints against the police. Moreover, it is reported that lawyers do not have the right to freely arrange independent forensic medical examinations. It is also said that judges who receive testimonies of torture rarely take them into account and that despite legal prohibitions on the use of evidence obtained through illegal means, courts routinely admit coerced confessions into evidence and issue convictions on the basis of such evidence. However, article 22 of the new Code of Criminal Procedure reportedly states that "obtaining testimony of a suspect, accused person, defendant, victim, witness or any other party to a case by the use of force, threats, violations of their rights or other illegal means is prohibited". On 2 May 1997, the Supreme Court reportedly stated in a plenary court decision that "... any evidence obtained unlawfully shall be devoid of evidential value and cannot form the basis of a judgement". The Special Rapporteur has also been informed that despite the fact that the Code of Criminal Procedure contains provisions for the release of accused persons on bail during the preliminary investigation phase, custody during investigation and prior to trial seems to be the rule and often takes the form of incommunicado detention. According to the information received, criminal investigation can be carried out by either the police, the National Security Service (SNB), or the procuracy. The last is reportedly also responsible for ensuring the legality of arrest and detention and of the investigative process.

1726. It is reported that alleged torture victims are persons suspected of having committed ordinary crimes as well as those accused of membership in banned political or religious organizations or of crimes having to do with their alleged religious beliefs or activities. In most of the cases, law enforcement officials are said to seek to coerce confessions and testimony against third parties, to further incriminate the victims themselves or to punish, humiliate or merely break the will of those convicted on political or religious grounds. According to the information received, most common acts of torture committed by law enforcement officials are the following: prolonged beatings, involving punching, kicking, or blows with clubs or other implements; putting gas masks or plastic bags over the head; electric shocks; burning; cutting; sexual violence; and denial of food or water.

1727. The Special Rapporteur transmitted information on the following individual cases.

1728. **Abduvali Mirzaev** was reportedly arrested by SNB officers at Tashkent airport in August 1995 and held in underground cells at the Ministry of Internal Affairs and from September 1995 in Tashkent prison, where he was regularly beaten, threatened with rape, had his head pushed into the toilet and his genitals burnt with cigarettes and beaten on the soles of his feet with a rope and on other parts of his body with rubber sticks while suspended from the ceiling. He was allegedly transferred to a labour colony in April 1996, but his whereabouts remain unknown.

1729. **Zhorik** was reportedly beaten and thrown to the ground on 26 December 1996 at Tashkent police headquarters. His mother reportedly tried to prevent the ill-treatment.

1730. **Ilkhom Zainabutddinov** was reportedly denied food, water and sleep for two days following his arrest on suspicion of theft in July 1997 in the second department of the Andijan Municipal Administration for Internal Affairs. Summer temperatures in Andijan are said to be as high as 40 degrees Celsius.

1731. **Ruslan Mamin** was reportedly arrested by the police on 27 April 1998 and subsequently detained in the Hamza district of Tashkent without food for six consecutive days.

1732. **Dilshod Iskhakov, Mukhammadjon Ibodullae** and **Muzaffar Saitniiazov** were reportedly beaten on their genitals in August 2000 while held in detention in the basement of the main Ministry of Internal Affairs building in Tashkent

1733. **Mukhammadjon Ibodullaev** was reportedly locked in a cell called "little glass" (*stakanchik*), measuring 70 cm by 1 m and in which it was not even possible for him to sit down. He was reportedly one of 15 young men tried in Tashkent Provincial Court in August 2000

1734. **Yodgor Sodikov** and his uncle **Nahmiddin Djuvashev**, of Kyrgyz nationality, were reportedly arrested and beaten on 5 August 2000 by SNB officers. Nahmiddin Djuvashev was reportedly sentenced to prison in 1999, but later released. Yodgor Sodikov was allegedly released after signing a statement incriminating his uncle. On 6 August, Nahmiddin Djuvashev was reportedly brought to hospital with severe concussion. The officers reportedly came to the hospital, brought him back for interrogation and threatened to kill him if he returned to the hospital.

1735. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1996, 1998, 1999 and 2000 regarding which no reply had been received.

1736. By letter dated 1 October 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1737. **Elena Urlaeva**, a human rights defender, was reportedly arrested on 6 April 2001 and taken to Tashkent's Mirzo Ulugbek district police headquarters, where she was allegedly beaten, and later transferred to the Municipal Clinical Psychiatric Hospital No. 1 where she had to undergo "compulsory treatment", although she was allegedly in good health. She was reportedly strapped to a bed, given injections and tablets against her will, including Triftasine, Aminasine, Tsykladol and Amitrapsiline, resulting in pain in her kidneys, heart and head, her teeth becoming loose and her hands shaking. She was reportedly transferred to the Republican Psychiatric Hospital No. 2 which she left on 20 June 2001. On 12 July 2001, Tashkent city court reportedly ruled that her detention was legal.

1738. **Vassily Evtigneev**, the brother of Elena Urlaeva, was reportedly sentenced to six years imprisonment by the Mirza Ulugbek district court in Tashkent in April 2000, on allegedly fabricated charges in a retaliation for his sister's human rights work. He was kept in the "red zone" in Karshi town, and in October 2000 was transferred to a medical prison facility in

Tashkent in a serious state. He reportedly had continuous haemorrhaging, allegedly caused by the insertion of a bottle into his rectum, a method of torture allegedly common in the "red zone". He is also believed to have been beaten and subjected to other ill-treatment.

1739. By letter dated 30 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1740. **Nematjon Karimov** reportedly died in Navoi prison on 22 March 1999. Prison officials provided no death certificate and allegedly informed the family orally that he had died from kidney, heart or lung problems. When his family retrieved the body from the town morgue, it was reportedly covered with blood, parts of his skull were allegedly missing, his face cut and bruised, and skin torn off on the right side. There reportedly was a scar to the left side of his mouth and his teeth were loose.

1741. **Okoidin Khajimukhamedov** was reportedly sentenced to death by the Tashkent provincial court in August 1999 and executed in December 1999. He reportedly attempted suicide by gnawing through the veins on his wrists when police allegedly threatened him with rape while in custody. According to the information received, his lawyer also saw signs of beatings on his body.

1742. **Dmitriy Popov** was reportedly drafted into the army on 11 May 2000 and sent to military unit N14401. He was allegedly severely beaten by other senior soldiers on 7 June 2000, and died five days later in Tashkent military hospital. A criminal case has reportedly been instituted against the alleged perpetrators by the Chirchik military prosecutor.

1743. **Numon Saidaminov** was reportedly arrested on 29 September 2000 and taken to the basement of the Ministry of Internal Affairs building in Tashkent, where he was allegedly interrogated by a police officer. His dead body, reportedly with marks of beatings, was returned to his family on 8 October 2000. During the burial ceremony, his house was allegedly surrounded by police.

1744. **Emin Usman**, a well-known Uighur writer, was reportedly arrested by police on 11 February 2001 near the village of Navoi and transferred to the basement of the Ministry of Internal Affairs headquarters. His body was reportedly returned to his family on 1 March 2001, but they were not allowed to see it. One relative allegedly managed to see it and saw a still-bleeding wound on the back of the head. During the burial, the cemetery was reportedly surrounded by police officers, who are believed to have prevented relatives from taking part. No independent medical examination was reportedly allowed.

1745. By letter dated 1 October 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Representative on human rights defenders, the Special Rapporteur advised the Government that he had received information on the following individual case.

1746. **Shovruk Ruzimuradov**, the Head of the Human Rights Society of Uzbekistan (HRSU) for the Kashkadaryn Region on behalf of whom the Special Rapporteur on torture and the Special Representative on human rights defenders had sent a joint urgent appeal on 22 June 2001 expressing their fears that he might be at risk of torture or other ill-treatment, was reportedly arrested on 15 June 2001 and held incommunicado for at least three weeks. His body was delivered to his family on 7 July 2001. The causes of his death in custody are not known.

1747. By letter dated 1 October 2001 sent jointly with the Special Rapporteur on violence against women, the Special Rapporteur advised the Government that he had received information regarding **Nadira Khidoiatova**, the niece of Uzbekistan's former ambassador to the United States, and **Asia Turaniyazova**, who were three and six months' pregnant, respectively. They were reportedly arrested by police in July 1995 and subsequently taken to the National Security Service where they were forced to undergo abortions because Uzbekistan law is said to require that pregnant women be released pending trial.

Urgent appeals

1748. On 19 January 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Christina Wiedemann** who was reportedly arrested on 26 March in Ferganei. In 1998, she witnessed a murder in the street of an Uzbek citizen by a Russian national. First considered a witness, the State prosecutor reportedly changed the charges and treated her as a suspect. On 26 March 1998, she was reportedly arrested and brought to the prison in Ferganei, where she was allegedly beaten by a State prosecutor and two or three other officials during an interrogation. She reportedly fainted several times. During the trial in July 1998, Christina Wiedemann was reportedly sentenced to 16 years in prison for murder. Until 30 April 1999 she was reportedly detained in Ferganei prison, and then transferred to the women's prison in Tashkent. There she is said to be beaten by fellow inmates. She is allegedly detained in a cell with 150 women, in which there is seldom electric light and no water to wash herself with for days. She is said to have to work from 6 a.m. until 10 p.m. every day. In December 2000, she was said to have been in hospital for two weeks. She is said to be suffering from scurvy, malnutrition, high blood pressure and water in her legs. She allegedly has seizures and partial paraplegia on the right side of her body, and trembles as if suffering from an epileptic fit. Medication and vitamins sent to her by her mother are reportedly almost always confiscated.

1749. On 3 April 2001, the Special Rapporteur sent a joint urgent appeal with the Chairman-Rapporteur of the Working Group on Arbitrary Detention and the Special Rapporteur on violence against women, on behalf of **Rahima Akhmadalieva**, the wife of Ruhiddin Fahruddinov, an independent imam reportedly wanted for his participation in an allegedly extremist sect. She was reportedly detained by officers from the Ministry of Internal Affairs on 17 March 2001. She was reportedly held in a basement cell of the Ministry and questioned about the whereabouts of her husband. She was reportedly denied medication which she needs for a chronic heart condition. Her daughter, **Odina Makhsudova**, was also detained. Officers forcibly removed both women's headscarves. Odina Makhsudova was later released on the condition that she would help the police to find her father. It is believed that before her release she was forced to witness the beating of a male detainee, as a threat of what could happen to her mother should she reveal what she had seen. On 26 March, immediately after visiting the United Nations Office in Tashkent to inform them about the above situation, Odina Makhsudova was detained by the police, together with her companion. They were allegedly interrogated and threatened by the same officer who allegedly interrogated her at the Ministry of Internal Affairs on 20 March.

1750. On 22 June 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders on behalf of **Shovruk Ruzimuradov**, the Head of the HRSU Kashkadaryn Region who was reportedly arrested on 15 June 2001 by members of the Kashkadaryn District Department of Interior (DDI). A group of DDI agents, including 31 armed policemen, was also said to have raided and searched his house and confiscated several items, including an HRSU computer and several documents. It is also alleged that Shovruk Ruzimuradov's mother, **T. Burieva**, wife, **R. Ruzimuradova**, his sister, **O. Burieva**, and his daughter were present in the house during the search and were severely beaten.

1751. On 2 November 2001, the Special Rapporteur sent a joint urgent appeal with the Special Representative on human rights defenders and the Special Rapporteur on freedom of opinion and expression on behalf of **Yusuf Juma**, a poet, journalist and active member of the Popular Movement of Birlik, who had reportedly been arrested on 23 October 2001 by the Security Service in Bukhara district. During a house search, several of his poems criticizing government policies and referring to police violence, impunity and corruption, were said to have been confiscated. He was allegedly accused under article 159 of the Criminal Code of anti-Government activities for having published some of those poems on a web site.

Follow-up to previously sent communications

1752. By letter handed by the Ambassador of Uzekistan to the United Nations to the Special Rapporteur in November 2000, the Government provided detailed information on a number of individuals indicted, inter alia, for murder, terrorism and an attempt on the life of the President of Uzbekistan who had not been the object of any specific communication from the Special Rapporteur. Their criminal case files and the bill of indictment were referred to the Supreme Court on 10 October 2001. The Government indicated that the accused have the right to participate in the trial and can avail themselves of all the rights to which they are entitled under the Code of Criminal Procedure.

Venezuela

1753. Con fecha de 5 de septiembre de 2001, el Relator Especial notificó al Gobierno que había recibido información sobre los siguientes casos.

1754. **Edgar Almeida**, de 17 años de edad, habría sido trasladado el 26 de mayo de 1999 desde el Centro de Detención de Menores de Cochecito al Instituto Nacional del Menor (INAM) de El Valle, donde habría sido golpeado por un profesor. Posteriormente, habría sido trasladado a la Clínica Mucurriba de donde, temiendo por su integridad física y mental, se habría escapado. El menor se encontraría actualmente en libertad y el funcionario del INAM responsable de los malos tratos habría sido destituido de su cargo.

1755. **Juan de la Cruz Bravo**, un comerciante de 43 años de edad, habría sido interceptado por una patrulla de la Policía Técnica Judicial (PTJ) de Guasdualito, estado de Apure, el 11 de agosto de 1999. El nombrado habría sido trasladado a la comandancia con vendas en los ojos. Allí habría sido golpeado, causándole lesiones en un brazo, y le habrían aplicado electricidad en los genitales. El caso habría sido presentado ante un fiscal.

1756. **Noris del Carmen Briceño**, presidenta de la Asociación "Barrio Libertador", habría sido objeto de golpes y maltratos físicos por parte de la policía el 10 de septiembre de 1999. Este día la policía habría estado desalojando a las familias de dicha Asociación, cuando la nombrada habría presenciado como unos policías golpeaban a su hermano y como otros quemaban las casas allí construidas. Posteriormente, ella misma habría recibido golpes por parte de una mujer policía quien también la habría tomado por el cabello y arrojado al interior de un vehículo. A continuación habría sido trasladada al retén femenino de Los Bambúes, donde varios funcionarios le habrían amenazado con agresiones físicas. Habría sido puesta en libertad unas horas más tarde.

1757. **Pocahontas**, un transexual cuyo nombre real es **Ronny Yosmar Aquino**, y **La Guajira**, otro transexual cuyo nombre real es **Alexis Medina**, habrían sido detenidas sin orden judicial por la policía de Carabobo el 9 de agosto de 2000. Habrían sido obligadas a desnudarse en la calle y habrían sido golpeadas y luego, habrían sido mantenidas en régimen de incomunicación. Unos días antes, una compañera suya conocida como **Dayana**, de nombre real **José Luis Nieves**, habría sido asesinada en Valencia, estado de Carabobo, en unas circunstancias que harían pensar que se trató de una ejecución extrajudicial. Anteriormente Dayana ya habría sido víctima de agresiones y antes de su asesinato presentaba heridas provocadas por disparos perpetrados por un agente de policía del Estado.

1758. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1997, 1998 and 2000 regarding which no reply had been received.

Llamados urgentes

1759. El 24 de enero de 2001, el Relator Especial envió un llamamiento urgente en favor de la **comunidad indígena Pemón en San Rafael de Kamoirán** y en particular sobre **Juan Ramón Lezama** y **Silviano Castro**. Los indígenas Pemón serían acosados por miembros del ejército debido a sus protestas contra la construcción de una red de tendido eléctrico en la Gran Sabana de Venezuela, Estado Bolívar. Desde el mes de diciembre de 2000 esta comunidad indígena estaría bajo vigilancia del ejército. Las tropas habrían visitado la Gran Sabana el 26 de diciembre de 2000. Durante los tres días que siguieron, las tropas del ejército volvieron a la Gran Sabana, interrogaron miembros de la comunidad y confiscaron sus herramientas. También rodearon la casa de Silviano Castro, cacique de la comunidad. El 29 de diciembre dos soldados habrían colgado Juan Ramón Lezama por el cuello y lo habrían golpeado hasta que perdió el conocimiento.

Seguimiento de comunicaciones transmitidas anteriormente

1760. Por carta con fecha 2 de febrero de 2001, el Gobierno respondió a los siguientes casos enviados en noviembre de 1998 (E/CN.4/1999/61).

1761. Respecto al caso de **Kevis Wilfredo Palmero** (ibíd., párr. 771), el Gobierno informó de que se inició una averiguación penal a raíz de las denuncias sobre torturas y maltratos en la cual se liberó a los 23 detenidos víctimas de los abusos. Posteriormente, el Tribunal Militar de Primera Instancia Permanente de San Fernando de Apure dictó cuatro autos de detención a efectivos de la Armada por violaciones a los derechos humanos de los 23 detenidos. Por su parte, Juana del Carmen Palmero interpuso una denuncia por la desaparición de su hijo Juan Vicente Palmero y las torturas infringidas a su nieto Kevis Wilfredo Palmero ante la Dirección General de Derechos Humanos, la cual fue remitida a la Inspección General de las Fuerzas Armadas Nacionales para su investigación. Con fecha 22 de diciembre de 1997, la Corte Marcial de la República declaró la nulidad de la orden de apertura, contentiva de la causa en cuestión, ordenando su reposición al estado en que se dicte nueva orden de apertura y remisión del expediente al Juzgado Militar de Primera Instancia Permanente de Puerto Ayacucho para los fines antes indicados.

1762. Respecto al caso de **Antonio Espinoza** (ibíd., párr. 777), el Gobierno informó de que el nombrado fue reseñado y puesto en libertad por orden del Tribunal Primero de Primera Instancia en lo Penal de la Circunscripción Judicial del Estado Carabobo por no existir en su contra indicios de culpabilidad.

1763. Respecto al caso de **Ángel Jaidar Iruiz** (ibíd., párr. 772), el Gobierno informó de que en el sumario iniciado contra el nombrado y otros menores, el Fiscal del ministerio público solicitó el 20 de enero de 1995 examen corporal de Angel Jaidal Iruiz. En fecha 13 de marzo de 1995, el Fiscal del ministerio público acusó formalmente a los efectivos (GN) Mayor Jesús Armando Rodríguez, Distinguido Frank Reinaldo Márquez, Distinguido Luis Rafael Perez Veloso, Distinguido Freddy Cabello Brito, Distinguido Alfredo Bonillo Alvarez, adscritos al Destacamento No. 97 de la Guardia Nacional.

1764. Por cartas de fecha 5 de marzo y 11 de abril de 2001, el Gobierno respondió a un llamamiento urgente enviado en enero de 2001 en relación al caso de la **comunidad indígena Permón en San Rafael de Kamoirán** y en particular sobre **Juan Ramón Lezama** y **Silviano Castro**. En relación a los presuntos maltratos físicos a los que fueron sometidos los nombrados por parte de efectivos del ejército, el ministerio público procedió con las investigaciones de rigor y estableció las responsabilidades correspondientes. El Gobierno informó de que en el mes de marzo se realizó una reunión de trabajo con participación de las comunidades involucradas donde se propuso crear una comisión a fin de supervisar las labores de protección y resolver otros problemas ambientales de tal forma que las comunidades asuman la vigilancia de su ambiente.

1765. Por carta de fecha 4 de mayo de 2001, el Gobierno respondió al caso de **Luis Buitriago** (E/CN.4/2001/66, párr. 1270) enviado en octubre de 2000. La Dirección de Protección de Derechos Fundamentales del ministerio público informó de que la denuncia hecha por el ciudadano Luis Buitriago ante dicho organismo carece de veracidad. Esta conclusión se desprende de los reconocimientos médicos legales practicados al nombrado donde no se evidenciaron lesiones aparentes, por lo que se descarta que haya sido torturado. Asimismo, el Fiscal a cargo de la investigación señaló que de los dos reconocimientos médicos legales practicados al denunciante y de su propia declaración, surge que en ningún momento fue torturado mientras estuvo detenido.

Viet Nam

1766. By letter dated 30 September 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases, to which the Government responded by letter dated 2 November 2001.

1767. **Siu H'Alen** (f), **R'mah Del, Siu Bol, Siu Put, Siu Dreng, Ksor Chonh, Siu Pit** and **R'mah Klunh**, all Montagnards, were reportedly severely beaten by about a hundred villagers near the bridge of Ea Ayun, on the order and in the presence of a security police officer, on 20 October 2000. They were reportedly taken to Ea Ayun village, Pleiku province, and interrogated. During interrogation, Siu Bol was allegedly repeatedly hit on the chest by an officer. On the following day, they were reportedly taken to the police station of Ayun Pa district, and returned to their village some hours later. Siu H'Alen was allegedly taken to hospital for x-rays. Siu Bol and Siu Put are also thought to have sustained serious injuries.

1768. **R'mah Hoc**, a Montagnard, was reportedly beaten and subjected to electric shocks by the police chief of Al Ba village, in the Central Highlands, on 12 November 2000. Five other Montagnards, **R'mah Cot**, **Siu U**, **Siu Heh**, **Siu H'Kep** (f) and **Siu H'Pep** (f), were reportedly subjected to beatings and electric shocks by soldiers on the same day at the same village. Moreover, the two women were allegedly sexually harassed.

1769. **Siu Seo**, **Siu Ai** and **Nay Glel**, Christian Montagnards from Plei Joning village, Gia Lai province, were reportedly arrested by police on 2 December 2000 and taken to Phu Thien, where they were beaten and subjected to electric shocks.

1770. **Ksor Bai**, village chief of Buon Knia, and five other villagers, **Y-Hiam Buon Krong**, **Y-Yum Buon Krong**, **Y-Yue Knul**, **Y-Suen Eban** and **Y-Ko Eban**, as well as **H'Don** (f), from Buon Ale village, **Y-Sue Nie**, from Buon Mbhao village, and **Y-Nuen Kbuor**, from Buon Sup village, all Montagnards from Daklak province, were reportedly subjected to beatings by security officers and army personnel on 2 February 2001.

1771. **H'Ble Ksor**, the 80-year-old mother of the Chairman of the Montagnard Foundation, was reportedly arrested by security officers on 7 May 2001 in Bon Brai village, Ayun Pa district, Gia Lia province, threatened with death and severely beaten by security officers, resulting in three broken ribs. She was reportedly forced to denounce her son's activities on television.

1772. **Dieu Mbien**, **Dieu Mol** and **Dieu Don**, from Buon Bu Dang village, **Dieu Mao**, **Dieu Men**, **Dieu Breo** and **Dieu Dong**, from Buon Bu Ruah village, **Dieu H'nel**, **Dieu Bel**, **Dieu Ben**, **Dieu Men**, **Dieu Min**, **Dieu Kual**, **Dieu Mbeo** and **Dieu Thien**, from Buon Bu Do village, **Dieu Mling**, from Buon Leng Loin village, **Dieu Mbot** and **Dieu Tuan**, from Buon Dak Mreh, and **Dieu Sol**, from Buon Bu Dong, all Christian Montagnards, were reportedly arrested by security officers on 17 June 2001 for allegedly trying to flee to Cambodia. On 15 June 2001, they had left for Cambodia, where they were reportedly denied protection from the UNHCR and taken back to Viet Nam, where they were arrested and allegedly beaten.

1773. The Government responded that all cases transmitted by the Special Rapporteur were false. The Government added that its laws prohibited any form of torture and degrading treatment, and there existed clear regulations and procedures to ensure that individuals and law enforcement officers observed the law. Reference was also made to article 298 of the Criminal Code which guarantees criminal responsibility. The individual's right to lodge complaints and denunciations against any violation of the law by public officials was guaranteed in the provisions of the Government Decree on Temporary Custody and Detention, dated 5 May 1992. Finally, the Government indicated that the individuals mentioned had been involved in serious acts of vandalism and sabotage of public facilities and that some had been duly tried by the provincial courts of DakLak and Gia Lai on charges of causing public disorder and disturbing public security as well as illicit use of arms.

Yugoslavia

Follow-up to previously transmitted communications

1774. By letter dated 23 April 2001, the Government responded to an urgent appeal sent by the Special Rapporteur on 13 September 2000 (E/CN.4/2001/66, para. 1286) on behalf of Miroslav Filipovic. The Government indicated that Miroslav Filipovic had been released from prison, as a result of a decision by the Supreme Court of the Republic of Serbia dated 10 October 2000, and had been released from criminal prosecution by decision of the President of the Federal Republic of Yugoslavia.

1775. By letter dated 2 May 2001, the Government responded to a number of cases transmitted by the Special Rapporteur on 19 November 1999 (see E/CN.4/2000/9).

1776. Concerning Besa Gaxere (ibid., para. 1176), no information was found by the Government.

1777. Concerning Ivan Markovic, Predrag Milosavljevic, Olivera Obradovic (ibid., para. 1179), the Government indicated that no criminal charges had been filed against these persons, injured in the course of demonstrations held on 9 November 1999.

1778. Concerning Besim Rama and Avni Nura (ibid., para. 1182), the Government denied the allegations of ill-treatment and torture after their arrest on 17 September 1996 and indicated that they had been arrested on suspicion of belonging to a terrorist group. During their arrest they were found to be in possession of the weapons used in the attacks, and they were handed over to the investigating magistrate.

1779. Concerning Jonuz Zeneli (ibid., para. 1183), the Government responded that he had died on 17 October 1997 in the hospital of the Penal-Correctional Institution as a result of a malignant lung tumor with numerous metastases in the liver, pancreas and spleen. The Government assured the Special Rapporteur that his death had not been the result of violence.

1780. Concerning Nait Hasani (ibid., para. 1184) and Ferdian Iberdermaj (ibid., para. 1185), no information was found by the Government.

1781. Concerning Ismet Gjocaj (ibid., para. 1186), the Government replied that he had been taken to the police station in Decani on 21 November 1997 on suspicion of hiding a large quantity of weapons and that a criminal charge was filed against him. As there was reason to believe that the said person still kept an illegal cache of weapons, a police patrol was sent to search his house. Whilst the patrol was on its way to Rznic village, it was attacked by Albanian extremists. Ismet Gjocaj, who was in one of the police vehicles, took advantage of the attacks and seizing a gun, killed one policeman and gravely injured two others. In the course of the confrontation he also lost his life. An official inquiry was made into the event.

1782. Concerning Mehmet Memcaj (ibid., para. 1187) and others, the Government denied the allegations of torture and ill-treatment of five persons of Albanian nationality, including Mr. Memcaj, after their arrest on 27 and 28 February 1998 by police officers of the Ministry of the Interior. The Government also indicated to the Special Rapporteur that no criminal charges had been filed with the judiciary against the persons concerned.

1783. Concerning Soko Rugovac (ibid., para. 1188), the Ministry of the Interior of the Republic of Serbia stated that allegations of ill treatment and torture were false as no one had been taken to the Secretariat of the Interior in Pec on 12 April 1998. However, the Government added that the person concerned had filed charges in November 1998 in Bijelo Polje against the Ministry and the procedure was under way.

1784. Concerning Arsim Krasniqi (ibid., para. 1189), the Government denied the allegations of ill-treatment and torture. On 30 April 1998 he was taken to the Secretariat of the Interior in Pec for leading demonstrations organized by citizens of Albanian nationality to support actions carried out by Albanian extremists. Physical force was used during his arrest because he had provoked police officers and offered active resistance. After the hearing, he was released. The Government further stated that in his statement he denied having been beaten by policemen.

1785. Concerning Besa Arllati (ibid., para. 1190), the Government replied that she was taken to the Secretariat of the Interior in Djakovica on 26 May 1998 and a criminal charge was filed against her for carrying out a criminal act of terrorism.

1786. Concerning Qamil Xhemajli (ibid., para. 1191), Vlora Maliqi (ibid., para. 1180), Aferdita Zuna, Suzana Capriqi and Linda Salihu (ibid., para. 1192), no information was found by the Government.

Zambia

1787. By letter dated 1 October 2001, the Special Rapporteur advised the Government that he had received information on the following individual case.

1788. **Kelvin Levison Phiri**, a former driver for the United Nations Population Fund (UNFPA)-Zambia, was reportedly arrested by the police on 29 December 1999. In detention, he was reportedly subjected to ill-treatment and sustained soft tissue injuries with extensive ecchymosis on the buttocks and multiple bruises on the back.

Follow-up to previously transmitted communications

1789. By letter dated 26 March 2001, the Government replied to a number of cases transmitted by the Special Rapporteur on 29 November 1999 (see E/CN.4/2000/9) and 3 September 1998 (see E/CN.4/1999/61).

1790. The Government provided general information regarding the general structure of the Police Service. In 1994, the Zambia Police Service Reform Programme was introduced to transform the police force into a police service. Within the Police Service, the Police Tribunal, created under the Zambia Police Act, is charged with trying offences against discipline committed by police officers below the rank of assistant commissioner. There have been a number of cases in which police officers who abused their powers have been arrested and exposed. Following numerous complaints by members of the public against the conduct of some police officers, and for an impartial and effective administration of justice, an amendment to the Zambia Police Act (Act No. 14 of 1999) was passed, creating an independent police complaints authority. This authority receives complaints against police officers and investigates all serious cases of abuse of police powers. The Human Rights Commission, operating under the Human Rights Commission Act 1996, has powers to investigate human rights violations on its own initiative or upon receipt of a complaint. Abuses committed by public officers can further be investigated by the Investigator General (Ombudsman) of the Republic. The Office of Public Prosecutions, which is instituted to undertake criminal proceedings against any person on behalf of the State, is the appropriate authority responsible for prosecuting perpetrators.

1791. Concerning the Soweto market incident (E/CN.4/2000/9, para. 1194), the Government conceded that the incident had occurred, regretted the sequence of events, and stated that they were making local efforts to trace the whereabouts of Jane Mwamba for purposes of compensation. The Government assured the Special Rapporteur that the erring police officers had been disciplined.

1792. Concerning Milupi Sitwala and Kalumiana Muyangwa Libuju (ibid., para. 1196), the Government confirmed that, in the incident in which Milupi Sitwala was killed, there had been negligence on the part of the officer concerned. The Government also stated that the officer who killed Milupi Sitwala had been arrested immediately thereafter and charged with murder. Although no autopsy was conducted following her death, the Inquests Act provides for the holding of an inquest when any prisoner or detainee dies while in custody. Concerning Kalumiana Muyangwa Libuku, the Government stated that efforts had been made to contact the victim with a view to compensating him for injuries sustained as a result of the shooting incident at Limulunga. Appropriate disciplinary action had been taken against the erring officer.

1793. Concerning Josias Imasiku Mushala (ibid., para. 1196), the Government conceded that the incident had taken place and that unnecessary force had been applied in the apprehension of the complainant. The erring officers had been disciplined by the Police Tribunal, which heard the matter and recommended their demotion in rank.

1794. Concerning Masiye Lowendo and Sisheho Sinaali (ibid., para. 1196), the Government affirmed that they had been kept in police cells for more than 24 hours, ill-treated and later transferred to Mongu remand prison. The complainants were released to pursue their cases in Zambian courts for damages against the State for the alleged ill-treatment.

1795. Concerning Evans Kapaso (ibid., para. 1197), the Government conceded that the incident was an act of negligence on the part of the officer concerned. The Police Tribunal has since disciplined the erring police officers by demoting them in rank. Furthermore, it was recommended that the police officers should undergo retraining in police procedure, criminal procedure and human rights law.

1796. Concerning Dean Mungomba (E/CN.4/1999/61, para. 806), the Government denied the allegations of torture and ill-treatment. The case is currently under trial.

1797. Concerning Captain Steven Lungu (ibid., para. 807), the Government denied the allegation of torture but conceded that the police had used force during his capture. The matter is currently pending.

1798. Concerning Jack Chiti (ibid., para. 808), the Government confirmed that he had been captured in action at Arakan barrack, and that the soldiers used force to apprehend him. The Government denied the allegation of torture and Jack Chiti was willing to defend himself in a court of law.

1799. Concerning Major Bilex Mutale (ibid., para. 809), the Government denied the allegations of arbitrary detention, pain and suffering and indicated that the case had not been concluded.

1800. Concerning Major Musonda Kangwa (ibid., para. 810), the Government replied that he had sued the Government for false imprisonment. The Government stated that the matter was subjudice and was suspended for further consideration.

1801. Concerning Corporal Robert Chibulo (ibid., para. 811), the Government responded that he had died from gunshot wounds from Zambian soldiers trying to suppress the coup d'etat. The Government denied allegations of torture.

Zimbabwe

1802. By letter dated 1 October 2001, the Special Rapporteur advised the Government that he had received information on the following individual case.

1803. **Blessing Chebundo**, the Movement for Democratic Change (MDC) candidate for Kwekwe constituency, was reportedly doused with petrol at a bus station on 9 May 2000. Kwekwe police officers were reportedly given the name and address of one of the alleged attackers, and interviewed three witnesses, but made no arrests. On 15 May 2000, he was reportedly attacked again at home, when petrol bombs were thrown into his house. He telephoned the police, while the attackers were still outside, but the police, who are believed to have been stationed only 500 metres away, only arrived 20 minutes after the attackers had been chased away by MDC youths.

1804. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1999 regarding which no reply had been received.

Information transmitted to the Palestinian Authority

1805. By letter dated 10 August 2001, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1806. **Abed Al Mouteh Al Ajlonee**, aged 17, from the outskirts of Jerusalem, was reportedly severely beaten on his face and body by the Palestinian police in Ramallah during his arrest together with his 30-year-old brother **Aiman** on 5 August 2000. He was reportedly transferred to the Ramallah government hospital, bleeding from the face. On 6 and 7 August, a lawyer was reportedly denied access to the brothers on the grounds that they were still under interrogation. On 7 August 2000, their mother reportedly obtained permission to transfer Abed Al Mouteh Al Ajlonee back to hospital.

1807. **'Abd al-Jawad Saleh**, a member of the Palestinian Legislative Council, was reportedly physically attacked by General Intelligence officers on 16 December 1999, while participating in a peaceful demonstration outside the General Intelligence detention centre in Jericho. He reportedly entered the detention centre at the invitation of a General Intelligence officer, but once inside, a group of officers proceeded to slap his face and punch and kick him. He was reportedly treated in hospital for his injuries.

1808. **'Abbas al-Mu'mani**, a freelance photographer for Reuter, was reportedly arrested by General Intelligence officers at his office in Ramallah in May 1998, held incommunicado for more than five days, and interrogated about a Reuter video broadcast. During the first five days, he was allegedly beaten with cables, denied sleep, food and use of a toilet and forced to remain in painful positions for long periods. On the sixth day, he reportedly escaped, seriously injuring his leg, but was rearrested and returned to the custody of the General Intelligence on the same day. He was reportedly released without charge five days later.

1809. By the same letter, the Special Rapporteur reminded the Government of a number of cases sent in 1998, 1999 and 2000 regarding which no reply had been received.

1810. By letter dated 3 September 2001 sent jointly with the Special Rapporteur on extrajudicial, summary or arbitrary executions, the Special Rapporteur advised the Government that he had received information on the following individual cases.

1811. **Salim Hassan Al Akra'a** was reportedly arrested at a taxi rank east of Nablus on 6 January 2001 and held in incommunicado detention in a Palestinian Military Intelligence prison in Nablus, where his health deteriorated quickly; he was reportedly transferred to Al Watani hospital where he died in the evening of 27 February 2001. There were reportedly torture marks over his body, such as signs of beating on the right side of his head and back, and cuts on his wrists and ankles. He was allegedly also subjected to "*shabeh*", i.e., shackling in a contorted position.

1812. **Mahmoud Abu Hannoud** from Asira A-Shmaliah was reportedly sentenced to 12 years' imprisonment by the State Security Court on 2 September 2000 for allegedly training and equipping military groups. He had reportedly confessed when in a very critical state, reportedly as a result of having been denied medical treatment after having been shot in the right shoulder and in the back.

1813. By letter dated 3 September 2001 sent jointly with the Special Representative on human rights defenders, the Special Rapporteur informed the Government that the Ramallah Police Commander had allegedly justified the beating of detainees during a discussion with the Director General of the Palestinian Society for the Protection of Human Rights and Environment (LAW), Khader Shkirat, on 7 August 2000, by stating that "the thief who does not confess must be beaten as a last resort to force him to confess". When the Director of LAW noted that this violated Palestinian law, the Police Commander allegedly threatened him, and he was escorted out by guards who attempted to assault him. Later, the Chief of the Palestinian Police Service reportedly issued an order to heads of police districts and detention centres prohibiting LAW members from visiting places of detention.

Urgent appeals

1814. On 9 April 2001, the Special Rapporteur sent an urgent appeal on behalf of **Nasir Al Rafa'ee**, a lawyer, who had reportedly been arrested at a court in the West Bank town of Ramallah on 24 March 2001 and who was said to be held incommunicado at the Palestinian Military Intelligence Service headquarters in Ramallah. It is believed that he is suffering from a stomach ulcer and spinal problems and is not receiving any medical care.

1815. On 10 May 2001, the Special Rapporteur sent an urgent appeal on behalf of **Yusuf Samir**, a journalist, who was reportedly arrested by police in Bethlehem on 4 April 2001 to be questioned about his Israeli passport and his commitment as an Arab journalist to the Palestinian cause. He reportedly returned to the police station with books and poems from his home to prove his support for the Palestinian cause. His wife is reported to have later met two Palestinian General Intelligence officers in plain clothes who reportedly took his gun and medicine for his heart condition. The next day, she was allegedly told that her husband had been released the previous night. The authorities are said to have claimed, in a press statement released by the Director of the Public Intelligence Department in the West Bank on 14 April, that he was released on 4 April. It was nevertheless believed that he is still in police custody.

1816. On 4 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Muhammed Lahloh**, a Palestinian who was said to travel across the border to Israel every day in order to work in a carwash in Haifa. He had reportedly been arrested on 3 September 2001 in Jenin by the Criminal Investigation Department who reportedly interrogated him about drug trafficking and "collaboration" with Israel. It was reported that he had been burnt with cigarettes and was bruised on his face. It was believed that he was moved to a private house, as the police detention centre in Jenin had been destroyed by Israeli shelling the previous month. He was reportedly held incommunicado on the order of the military prosecutor of Jenin.

1817. On 11 October 2001, the Special Rapporteur sent an urgent appeal on behalf of **Jaweed Al-Ghusseim**, aged 71, who had reportedly been held by the Palestinian Authority for the last five months, and on behalf of whom the Chairman-Rapporteur of the Working Group on Arbitrary Detention had intervened on 30 August 2001. He was said to be seriously ill, suffering from diabetes, liver cancer and heart problems. It was believed that he was examined by a doctor who indicated that he urgently needed medical attention. No charges were said to have been brought against him.

1818. By letter dated 22 October 2001, the Government indicated that Jaweed Al-Ghussein, a Palestinian national, had been released on 13 October 2001. Having confirmed his debt to the Palestinian National Fund before the Court of Abu Dhabi and before the competent legal authorities of the Palestinian Authority, he was awaiting the amicable settlement of this issue.

Information transmitted to the Special Representative of the Secretary-General in Kosovo

Urgent appeal

1819. On 10 May 2001, the Special Rapporteur sent a joint urgent appeal with the Special Rapporteur on extrajudicial, summary or arbitrary executions on behalf of **Calixte Mbarushimana**, a United Nations Interim Administrative Mission in Kosovo (UNMIK) Regional Support Officer in Gnjilane, Kosovo, who was reportedly arrested on 11 April 2001 by UNMIK police on the basis of an international arrest warrant issued on 15 March 2001 by the First Deputy Prosecutor at the Court of First Instance of Kigali, on charges of genocide and crimes against humanity. On 12 April, the international judge in charge of the case conducted the first hearing in the presence of Calixte Mbarushimana's defence counsel. Following this hearing, the judge decided, in accordance with article 528/1 and 2 of the Yugoslav Criminal Procedure Code, to detain him for 30 days pending reception from the Kigali Public Prosecutor of detailed information on the charges. Concern was expressed in particular at the fact that the conditions of detention that Calixte Mbarushimana may face upon return to Rwanda were believed to be life-threatening and to amount to ill-treatment.

1820. By letter dated 19 July 2001, the Special Representative of the Secretary-General in Kosovo indicated that the examining judge in the case had received the formal petition for extradition from the Government of Rwanda on 10 May 2001. On 31 May a hearing was held and on 4 June, the examining judge considered that the petition did not meet the legal prerequisites for extradition. She passed her opinion and the case file to the Gjilan/Gnjilane district court which refused the extradition request on 11 June 2001. The district court delivered its decision to the Supreme Court which approved it and ordered Callixte Mbarushimana's release on 19 June 2001.

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